

***United States Court of Appeals
for the Second Circuit***



**SUPPLEMENTAL
APPENDIX**

75-6079

United States Court of Appeals FOR THE SECOND CIRCUIT

Docket No. 75-6079

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, and
THE CITY OF NEW YORK,

Plaintiffs-Appellees,

—against—

LOCAL 638 . . . LOCAL 28 OF THE SHEET METAL WORKERS'
INTERNATIONAL ASSOCIATION,

Defendant-Appellant,

LOCAL 28 JOINT APPRENTICESHIP COMMITTEE,
SHEET METAL AND AIR CONDITIONING CONTRAC-
TORS' ASSOCIATION OF NEW YORK CITY, INC., etc.,

Defendants.

LOCAL 28,

Third-Party Plaintiff,

—against—

NEW YORK STATE DIVISION OF HUMAN RIGHTS, ;

Third-Party Defendant.

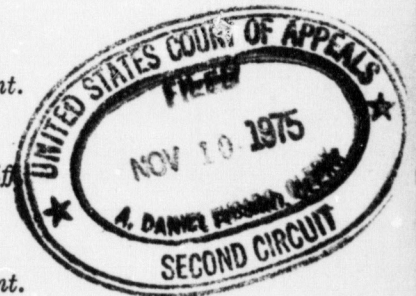
LOCAL 28 JOINT APPRENTICESHIP COMMITTEE,

Fourth-Party Plaintiff

—against—

NEW YORK STATE DIVISION OF HUMAN RIGHTS,

Fourth-Party Defendant.



SUPPLEMENT TO THE JOINT APPENDIX

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PAGINATION AS IN ORIGINAL COPY

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NEW YORK, N.Y.
Assigned, as a
Judge of New York
Section 2105 C

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copy thereof.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

1225

Filed
9/16/75

UNITED STATES EQUAL
EMPLOYMENT OPPORTUNITY
COMMISSION, et. ano.,

Plaintiffs,

NOTICE OF CROSS
APPEAL

71 Civ. 2877 (HPW)

-v-

LOCAL 638 . . . LOCAL 28, etc.,
et. al.,

Defendants.

S I R S :

PLEASE TAKE NOTICE that plaintiff United States
Equal Employment Opportunity Commission hereby appeals to
the United States Court of Appeals for the Second Circuit
from that part of the Opinion and Order entered July 18,
1975 and that part of the Order and Judgment entered August
29, 1975 in the above-captioned relating to:

- (1) the standards to be applied
in determining whether or
not a non-white is entitled
to an award of back pay (Opinion
and Order, pp. 41-44; Order and
Judgment ¶¶ 23-25);
- (2) the determination that the
request for and use of arrest
record information on the

apprentice program application
form (see Opinion and Order, pp.
23-25) does not violate the
provisions of Title VII of the
1964 Civil Rights Act, 42 U.S.C.
§ 2000e et. seq.

Dated: New York, New York

September 15, 1975

Yours, etc.

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Southern District of New York
Attorney for Plaintiff EEOC

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Corporation Counsel
Municipal Building
New York, New York 10007

Clerk
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2nd Circuit
Foley Sq.
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One Penn Plaza
New York, New York

ROSENTHAL & GOLDBABER
44 Court Street
Brooklyn, New York

Attention: William Rothberg, Esq.

1 9 jksr

Stack - direct

2 A No.

3 Q Do the trustees serve at the pleasure of the
4 president in the sense that you have the power both to
5 appoint and dismiss them?

6 A Yes.

7 Q Do you attend JAC meetings?

8 A Yes.

9 Q On a regular basis?

10 A Yes.

11 Q Prior to becoming president did you attend the
12 meetings of the JAC?

13 A No.

14 Q To the best of your knowledge did your predecessors,
15 Mr. Pasquinnucci or Mr. Farrell, attend meetings of the
16 JAC?

17 A I don't know.

18 Q Let me rephrase the question there.

19 Is it the practice of Local Union 28 that the
20 president would attend meetings of the JAC?

21 A If he so wished.

22 Q We have had testimony from Mr. Schluter who I
23 believe is the coordinator of the Joint Apprenticeship
24 Program. Is that your understanding of his position?

25 A I believe we understand him -- we call him the

1 8 jksr

Stack - direct

724

2 A Apprentice Committee, Joint Adjustment Board,
3 the Agreement Committee. That's all I recall right now.

4 Q Do you appoint trustees to the JAC?

5 A Yes.

6 Q How many positions on the JAC does the union
7 have?

8 A Three.

9 Q Since the time that you have been president, that
10 is back to July, have you had occasion to appoint any
11 trustees in the JAC?

12 A Yes.

13 Q When was that?

14 A July 18.

15 Q And who was appointed?

16 A I re-appointed Howie Bretz and then I appointed
17 a Joseph Schwartz and a Joseph Pennington.

18 Q These new appointments, were there vacancies on
19 the JAC?

20 A Yes, there's about to be vacancies.

21 Q Will you explain that, there's about to be
22 vacancies?

23 A Two of the members of the JAC, one is retired
24 and one is retiring the first of February.

25 Q Are the trustees appointed for fixed terms?

Defendant Local 28's Answers To Interrogatories (Excerpts)

10. The salaried officers and business agents of Local 28 from 1950 to the present are:

<u>TITLE</u>	<u>NAME, TERM AND ADDRESS</u>
President	Edward F. Carlough - 1950 to June 23, 1951 5410 Connecticut Avenue N.W. Washington, D.C. 20015
	Mell A. Farrell - June 23, 1951 to February 4, 1972 Deceased
	Daniel Pasquinucci - March 1972 to present 15 Miara Street Parlin, New Jersey 08859
Vice President	Joseph McConnell - 1950 to June 23, 1951 Deceased
	John Mulhearn - June 23, 1951 to February 3, 1962 84 North Country Road Port Jefferson, New York 11777
	Leo Moleti - February 3, 1962 to July 11, 1964 Deceased
	William W. Cooke - July 11, 1964 to July 1, 1968 35 Wisteria Drive Ormond Beach, Florida 32074
	David Ross - July 1, 1968 to May 2, 1970 221-37 92nd Road Queens Village, New York 11428
	John Kissane - May 2, 1970 to March 1972 2486 Morris Avenue Bronx, New York 10468
	Harry Rueckert, Jr. - March 1972 to present 140-09 58th Road Flushing, New York 11355

Local 28's Answers to Interrogatories

14.

Membership of Local 28

<u>date</u>	<u>Totals</u>	<u>Pensioners Included</u>	<u>Permit</u>	<u>Black</u>	<u>Non-White</u>
1/1/64**	3,380	314	Unknown, if any	None	12
7/1/64	3,366	334	"	"	12
1/1/65	3,412	363	"	"	13
7/1/65	3,433	404	"	"	13
1/1/66	3,416	431	"	"	13
7/1/66	3,412	451	"	"	13
1/1/67	3,399	460	"	"	13
7/1/67	3,330	455	"	"	13
1/1/68	3,329	455	***	"	13
7/1/68	3,307	470	150-200	"	14
1/1/69	3,318	484	150-200	8	14
7/1/69	3,350	491	150-200	8	14
1/1/70	3,421	477	200-250	20	16
7/1/70	3,387	489	200-250	20	16
1/1/71	3,376	496	250-300	21	16
7/1/71	3,372	503	400-450	28	19
1/1/72	3,417	516	400-450	35	20
7/1/72	3,479	517	App. 200	44	23
11/1/72	3,552	534	App. 10	56	29

* Other than Black

** Records for prior periods (1940, 1950, 1960-63) are not available.

***Commencing some time in latter 1968, journeymen sheet metal workers who were members of sister locals affiliated with the International Association worked temporarily in territorial jurisdiction of Local 28 without permit, and registration with Local 28; race unknown; exact numbers are unknown; figures are approximation based upon some available records of registration.

Local 28's Ans. to Interrogation

Answer to Interrogatory 15 continued:

1965

- 71 Graduated apprentices
- 3 Transfers accepted
- 5 Transfers refused

1966

- 100 Graduated apprentices
- 3 Transfers refused
- 1 Withdrawal Card

1967

- 64 Graduated apprentices
- 21 Transfers accepted *
- 7 Transfers refused
- 2 Organization of non-union shop
- 2 Reinstatement of former members
- 2 Reinstatement tabled (ultimately, 1 refused,
1 accepted)
- 2 Withdrawal Cards

1968

- 47 Graduated apprentices
- 7 Transfers
- 18 Transfers refused
- 1 Transfer tabled
- 6 Organization of non-union shops
- 25 Admitted, Examining Board Tests
- 1 Referred to Examining Board - results unknown
- 5 Reinstatement of former members
- 2 Withdrawal Cards

20 Transfers from Local 401, affiliated with International Association, at its dissolution upon closing of Brooklyn Navy Yard.

1232

11 22

Local 28's Answers to Interrogation

Answer to Interrogatory 15 continued:

1969

68 Graduated apprentices
24 Transfers accepted
14 Transfers refused
7 Transfers tabled - results unknown
5 Organization of non-union shop
75 Admitted, Examining Board Tests
3 Reinstatement of former members

1970

35 Graduated apprentices
2 Transfers accepted
4 Transfers rejected
9 Organization of non-union shop
7 Reinstatement of former members
1 Withdrawal Card

1971

107 Graduated apprentices
2 Transfers accepted
14 Transfers rejected
2 Organization of non-union shop
5 Reinstatement of former members

1972

183 Graduated apprentices
1 Transfer
1 Reinstatement of former member
1 Withdrawal Card

Local 28's Answers to Interrogation

16. Unknown, if any.

17. Unknown, if any, except that in January 1970,
13 Blacks were accepted for membership in Local 28.

18. Unknown, if any, except that in January 1970
2 non-whites other than Blacks were accepted for membership
in LOCAL 28.

19. Applicants are admitted to membership in Local 28
in one of the following four manners:

A. Successful completion of four (4) year
apprenticeship program administered by Joint Apprentice-
ship Committee and Trust.

B. Passing of written and practical examination
administered by Examining Board of Local 28.

C. Transfer of member of sister local union
affiliated with International Association who was former
member or apprentice of Local 28.

D. Employment with newly organized employer
certifying as to its need of applicant and applicant's
capability to perform at journeyman standards of
workmanship.

Prior to 1960-63, the transfers of members of sister local
unions were accepted without requirement of prior membership
or apprenticeship with Local 28. Upon information and belief,
there were a few instances in the 1940's and 1950's and one
occasion in 1962 when an applicant with experience in the

1234

Local 283 Answers to Interrogatories

sheet metal trade was admitted upon recommendation of an officer or a member of Local 28.

20. Yes. See Answer to Interrogatory 19.

21. No. See Answer to Interrogatory 19.

22. No. See Answer to Interrogatory 19.

23. The Executive Board of Local 28.

24. These procedures are not published; the actions of the Executive Board are recorded in the minutes of its meetings.

25. The minutes of the Executive Board are on file in the offices of LOCAL 28.

26. George Thomas - Recording Secretary
1878 Watson Avenue SS No. 061-09-1964
Bronx, N.Y. 10472

Mell A. Farrell - Recording Secretary
Deceased

Joseph McConnell - Recording Secretary
Deceased

John Mulhearn - Recording Secretary
84 North Country Rd. Apt C-1
Port Jefferson, N.Y. 11777
SS No. 099-03-5391

Edward O'Reilly - Recording Secretary
62 Adams Street
East Rockaway, N.Y. 11518
SS No. 121-22-1412

27. See Answer to Interrogatory 19.

28. See Answer to Interrogatory 20.

29. See Answer to Interrogatory 21.

30. See Answer to Interrogatory 22.

31. The Executive Board of Local 28.

32. These qualifications are not published.

Local 28's Answers to Interrogatories

43. Upon information and belief, no.

44. Over 90% of Local 28's current members completed its apprenticeship program.

45. See Answer to Interrogatory 19.

46. Upon information and belief, Local 28's apprenticeship program was instituted in the 1920's.

47. Records for information requested regarding apprenticeship applications for years 1940, 1950, 1960-1963 are not available. Records for information requested for each year since 1963 are maintained by the Joint Apprenticeship Committee and Trust. Upon information and belief, this information has previously been furnished to Plaintiff during the depositions of Emanuel Asen, Chairman of the Joint Apprenticeship Committee and Trust, and Dr. Judah I. Gottesman of the Stevens Institute of Technology, the testing service for the apprenticeship program.

48. See Answer to Interrogatory 47.

49. See Answer to Interrogatory 47.

50. See Answer to Interrogatory 47.

51. Upon information and belief, the information requested regarding the current (1964 to date) procedures for admission to the apprenticeship program has previously been furnished to Plaintiff during the deposition of Emanuel Asen, Chairman of the Joint Apprenticeship Committee and Trust. Upon information and belief, during the period 1940-1964, Local 28 maintained an apprentice application list. All applicants (between the ages of 18 and 23, 25 for veterans) were added to this list upon the filing of a completed application form.

Ex. 24 LOCAL 28's Answer to INTERROGATORIES

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Answer to Interrogatory 100 (continued)

<u>Name</u>	<u>Date of Admission</u>	<u>Manner of Admission</u>
Michael McKeough	February 20, 1969	Graduate Apprentice
Vincent DeSimone	March 5, 1969	Transferred from Local 137
Michael Rusinski	March 7, 1969	Transferred from Local 137
John J. Yankus	March 7, 1969	Transferred from Local 137
Vincent Pignataro	March 7, 1969	Transferred from Local 137
James H. Parker	March 11, 1969	Transferred from Local 400
Hyman Levine	March 12, 1969	Transferred from Local 400
Martin Rosenthal	March 17, 1969	Transferred from Local 400
Desiderius Singer	March 17, 1969	Transferred from Local 400
Martin F. Badewitz	April 11, 1969	Organization of non-union shop
Colin Burrows	April 11, 1969	"
Alvin Miltz	April 11, 1969	"
John P. Blanchfield	May 5, 1969	Reinstatement of former member

Ex 26
TDA:lq
70-1674

EX. 26 U.S.A. Second 1237
SET OF INTERROGATORIES

transfer Local 28 refused, and the reason for each such refusal.

9. (a) State the name, address, social security number and race of the member of Local 28 who was admitted in 1962 on recommendation of an officer or member of Local 28; (b) had this new member completed Local 28's apprenticeship program; (c) state the name, address, social security number and race of the person who recommended this individual for membership.

→ 10. State the names, addresses, social security numbers and races of the 200 men working in Local 28's jurisdiction under registration with Local 28 as of July 1, 1972, indicating which such individuals were still so employed on November 1, 1972 and on January 1, 1973.

11. List the names of the members of Local 28 as of January 1, 1973 who are relatives by blood or marriage of present or past members of Local 28 or of the Local 28 apprenticeship program, and as to each such individual state his relationship to such present or former member or apprentice.

12. List the names of the apprentices enrolled in the Local 28 apprentice program as of January 1, 1973 who are relatives by blood or marriage of present or former members of Local 28 or of the Local 28 apprenticeship program, and as to each such individual state his relationship to such present or former member or apprentice.

Ex. 34

KHEEL OPINION

MAY 9, 1969

-----x

In the Matter of the Arbitration

between

LOCAL UNION NO. 28 of SHEET METAL WORKERS
INTERNATIONAL ASSOCIATION OF GREATER NEW
YORK

and

SHEET METAL CONTRACTORS ASSOCIATION OF
NEW YORK CITY, INC., AND MECHANICAL CON-
TRACTORS ASSOCIATION OF NEW YORK, INC.

-----x

APPEARANCES:

For Local Union No. 28 of Sheet Metal Workers
International Association of Greater New
York

Cohn & Glickstein
By: Mr. Samuel Harris Cohen

For Sheet Metal Contractors Association of
New York City, Inc.

Rosenthal & Goldhaber
By: Mr. William Rothberg

For Mechanical Contractors Association of New
York, Inc.

Breed, Abbott & Morgan
By: Mr. Daniel F. O'Connell

OPINION AND AWARD

The Associations presented two claims before me at a hearing on May 2, 1969. First of all, they charged that the Union was failing to comply with a decision I issued on April 10, 1969, directing the Union and its members "to issue and respond to overtime permits for keymen, welders, cutters and brakemen in accordance with the provisions of Article V, Section 5 (a), of the contract." Secondly, the Associations claimed that they were entitled to and should receive relief because of the critical manpower shortage.

Following the hearing I sent the parties a telegram reading as follows:

1239

"Before ruling on manpower requests of contractors regarding (1) introduction of additional journeymen, (2) institution of pre-apprentice class and (3) increase in number of permit men to meet current critical manpower shortages, I request immediate response from contractors and union on following matters: (1) beginning negotiations for new contract immediately, (2) appropriate assurances on elimination of fund delinquencies and (3) authorization for all sheet metal workers, not merely keymen, to work overtime to June 30 during emergency without prejudice to future contractual rights of the parties. Award will follow and take into account answers to these questions. Your immediate response is requested."

I took this action in the hope the Union would agree because of the extreme manpower shortage to forego enforcement of Section 5 of Article V which entitles the Union during the last three months of the term of the contract to require that no overtime work be performed except by keymen. The Associations had not asked for an order requiring the Union to permit non-keymen to work overtime since clearly the Union has the right under the contract to require them not to work overtime. But the contract also entitles the Associations to insist that keymen be permitted to work overtime as I stated in my decision of April 10.

Notwithstanding the decision, no keyman have worked overtime. The Associations maintain that this was deliberate and point to a letter sent by the Union to its members advising them of my award but containing a postscript also advising them that Section 1 of the United States Constitution prohibits "involuntary servitude" and that the "Members of this Local Union have the constitutional right to work or refuse to work if they see fit to do so." The Associations maintain that this was a signal

to the keymen not to work overtime.

Whether or not this is so, I question whether the constitutional prohibition against "involuntary servitude" extends to overtime. No one can be required to work against his will but where he reports for his regular duties and is refusing to work overtime notwithstanding a contractual provision requiring him to do so, I doubt that he is protected by the Constitution of the United States.

I recognize nevertheless that there might be a reluctance on the part of keymen to work overtime while regular men are refusing to work overtime even though they are acting in accordance with the contract. It was for that reason I sent my telegram to the parties. The first two items were addressed primarily to the Associations since I also recognized that the Union was entitled to have negotiations commenced immediately and to have fund delinquencies eliminated. In response to my telegram the Associations advised me that they "stand ready to meet with the Union at the earliest opportunity to commence negotiations" and suggested May 12th or May 14th for the first meeting. They also stated that they were as anxious as the Union to correct the problems of delinquencies and would use their best offices to instruct and work with the trustees of the respective funds to eliminate delinquencies. I am advised that negotiations have now begun and that many of the fund delinquencies have been eliminated.

The Union responded to my telegram by submitting

the matter to a special meeting of the membership of Local 28 on Thursday, May 8. I have now been advised that the membership voted to refuse to work overtime as it has a legal right to do. While I regret that the vote was not affirmative, the action taken was legal and no further order can be issued requiring non-keymen to work overtime.

This does however underscore the importance of enforcing the corollary obligation of the contract and requiring keymen to work overtime. Without at this time seeking to determine whether in fact the Union is or is not signaling the keymen not to work overtime, I do find that the contract has been violated by the failure of any of the keymen to work overtime. This must be viewed as more than a coincidence. Accordingly, I direct the Union to instruct its members and to do so by a letter to them to be sent immediately that keymen must work overtime in accordance with the provisions of the contract.

The Associations have asked me to set a date to hear their claim that they have been damaged by the Union's failure to comply with my order of April 10 and are entitled to reparation. While I am not prepared to set a specific date at this time, I do note that their claim for damages is actionable under the collective bargaining contract and I will in due course set a date for such a hearing.

Associations have also asked me to direct the Union to accept additional journeymen, to institute a pre apprentice class, and to increase the number of permit men.

I have previously directed the Union to admit up to 250 permit men. It is claimed that many have been admitted on a permit basis but that there is still a serious shortage of permit men. Moreover, the Associations claim that the Union has refused permits to men who are qualified and has restricted the use of permit men on jobs where regular journeymen have been laid off.

We are dealing with an extreme emergency exacerbated by the Union's refusal to permit non-keymen to work overtime even though it has a legal right to do this.

In my opinion it is imperative for the Union to issue permits to as many men as possibly can be obtained to fill the jobs presently needed in construction. I note that the collective bargaining contract expires on June 30, 1969. Any decision would likewise expire on that date. Accordingly, permits should run to June 30, 1969. There must of course be some basis for determining the competency of the men for whom permits are sought. The Union is in the best position to do this and should extend itself to obtain as many permit men as possible. The Associations however must be entitled to propose permit men whom they are able to locate and the Union must be required to issue permits to these men if they are members in good standing of bona fide building trades unions and the Associations are willing to employ them on the job. The Union must also permit the Associations to

assign permit men to the job with the flexibility necessary to obtain the greatest utilization of their services, and I so award.

I also believe that it is imperative for the Union to admit additional journeymen. This must be done in accordance with established procedures which require that applicants be tested. I previously issued an order for the admission of 100 additional journeymen. This resulted in the addition of approximately 25 men who passed the oral as well as the written tests out of a total of approximately 250 persons who applied. There was complaint that an advisory committee of the employers was not permitted to participate with the Union in the tests that were devised. Moreover, it was felt that these tests were inordinately severe. In my opinion the Associations were entitled through the advisory committee to be consulted about the testing procedures and I so direct. I also direct that all steps be taken to facilitate the qualification of these additional journeymen as quickly as possible.

With regard to apprentices, the provisions of the contract must prevail. It is not possible for me to order the institution of a pre-apprentice class. I do believe however that the parties must provide in their negotiations for an enlargement of the class of apprentices to meet the existing shortage as well as the perspective demand for sheet metal workers in New York City.

The provisions of this award must be carried
out as quickly as possible.

Dated: New York, N.Y.
May 9, 1969

THEODORE W. KHEEL
Impartial Arbitrator

STATE OF NEW YORK)
) SS:
COUNTY OF NEW YORK)

On this 9th day of May, 1969, before me came
and appeared THEODORE W. KHEEL, to me known and known to
me to be the individual described in and who executed the
foregoing instrument, and he duly acknowledged to me that
he executed the same.

RUTH SAUNDERS
Notary Public, State of New York
No. 03-8771925
Qualified in Bronx County
Certificate Filed in New York County
Commission Expires March 30, 1970

Ex. 35

KHEEL OPINION
OCT 10, 1968

In the Matter of the Arbitration
between

LOCAL UNION NO. 28 OF SHEET METAL WORKERS
INTERNATIONAL ASSOCIATION OF GREATER NEW
YORK

and

SHEET METAL CONTRACTORS ASSOCIATION OF
NEW YORK CITY, INC. AND MECHANICAL CON-
TRACTORS ASSOCIATION OF NEW YORK, INC.

APPEARANCES:

For Local Union No. 28 of Sheet Metal Workers
International Association of Greater New
York

Cohn & Glickstein
By: Samuel Harris Cohen, Esq.

For Sheet Metal Contractors Association of
New York City, Inc.

Rosenthal & Goldhaber
By: Benjamin Rosenthal, Esq.

For Mechanical Contractors Association of
New York, Inc.

Breed, Abbott & Morgan
By: Daniel F. O'Connell, Esq.

OPINION AND AWARD

At the conclusion of the hearing held before me on
September 25, 1968, regarding the shortage of journeymen
sheet metal workers, I made a statement proposing that the
Union undertake immediately to bring into membership 100 new
journeymen sheet metal workers and that these 100 journeymen
be brought into the industry through the established proce-
dures of the Union's Constitution which calls for them to be
qualified by a Board of Examiners. I also proposed that there
be established an advisory committee to the Union and the

Board of Examiners and requested a report on the extent of the existing and anticipated shortage. I also proposed to continue my jurisdiction over the dispute because the solution to this dispute has to be worked out rather than solved by a directive. I set October 10 as the hearing date for a progress report.

At this hearing, the Contractors and the Union submitted information they had gathered on the extent of the shortage of journeymen. While there continues to be a dispute between them regarding how many journeymen are needed and might be needed in the foreseeable future, it is quite evident that there is a very serious shortage and that for the present and in the immediate future, additional journeymen will be needed to enable the Contractors to handle the work on hand and for which backlogs have developed.

The induction of the 100 journeymen into membership obviously cannot be completed overnight. Nor should the Union be asked to admit persons who are not qualified to be journeymen. But qualified persons from all sources should be given the opportunity without discrimination to take the examinations prescribed by the Board of Examiners. It was my anticipation, and I expect that the Board of Examiners and the advisory committee will cooperate with each other in notifying organizations that might be in a position to supply candidates for these openings.

The Union has stated that it will give applications, and there now appear to be approximately 200. A written test on November 2 and a practical test on November 16. All applicants will be notified in advance of the requirements of membership and the need to pass a medical examination. No one below the age of 24 will be accepted since that would

conflict with the apprentice program which has a maximum age of 24 for candidates. I anticipate that the 100 journeymen accepted will be available for work shortly after November 16. Needless to say, the most strenuous efforts of recruitment should be made to make certain that the full complement of 100 journeymen qualified to perform the work are admitted.

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This will not by itself solve the problem. Nevertheless, I do not propose at this moment to consider any further increase in the number of journeymen. This is a matter that can be reviewed after the 100 journeymen have been taken into membership. Nor do I intend in this case before me to go into the question of increasing the number of apprentices for the class that is to be selected as of January 1, 1969. That issue is not before me. I do note, however, that there is an apparent need to increase the size of the new apprentice class. The contractors suggested that it be doubled in size. I do not intend at this moment to express any view regarding the number of apprentices to be admitted in January. I will be prepared, however, to take this up if it is presented to me in due course under the procedures of the contract.

The most immediate and practical way the shortage can be dealt with is through the admission of qualified employees on a permit basis. This has been done in the past. In fact, there are at the moment approximately 200 employees working on permits in this area issued by the Union. It seems to me that there should be an increase of 250 permit men. Because of the Union's justifiable concern with the possibility that an excess of employees will lead to unemployment, it should be definitely understood that the permit men, as in the past, are to have emergency employment only.

The permit shall be for 90 days from employment and shall be renewable only by my further order. I also rule that the employment of the permit men shall be subject to termination as the economic needs of the employer indicate without any claim to employment or to damages for loss of employment against the Contractors or the Union. The terms of their employment shall be those set forth in the Collective Bargaining Agreement. They shall be selected without discrimination.

The Union has argued that it should not be required to run the risk of taking in any additional trainees, or apprentices, unless the Contractors in face of their claims of employment shortages are prepared to guarantee that none of the present journeymen will lose employment because of the increase in the work force. The Contractors contend that there is no provision in the agreement for such a guarantee and that the Collective Bargaining Agreement cannot be changed by the arbitrator. On the other hand, the Contractors are asking me to direct the Union to increase the work force. To the extent that this imposes a liability on the Union, it might well be that I have authority to grant relief in the event the liability turns into a reality. I do not believe, however, that it is necessary for me to make a decision on this matter at this time. Instead, I note that I have continued jurisdiction over this dispute and will serve on the advisory committee for the selection of journeymen. It will be possible with advice and constant communications with all concerned to keep close watch on the development in the industry. If there appears to be any change in the employment situation,

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I will hold a hearing on 24 hours' notice and take such action as may be necessary to protect the interests of the members of the Union as well as the Contractors under the circumstances then existing.

Dated: New York, N.Y.
October 10, 1968

THEODORE W. KHEEL
Arbitrator

STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

On this 10th day of October, 1968, before me came and appeared THEODORE W. KHEEL, to me known and known to me to be the individual described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same.

GEORGE L. WOOD
Notary Public, State of New York
No. 31-9733205 Qualified in D.Y.
County Commission Expires March
30, 1970.

EX. 38

OPINION
FEBRUARY 26, 1964STATE OF NEW YORK : EXECUTIVE DEPARTMENT
STATE COMMISSION FOR HUMAN RIGHTS

1250

LOUIS J. LEFKOWITZ, Attorney General of the State of New York	X
Complainant,	:
- against -	:
MELL FARRELL, individually and as president of Local Union No. 28 of Sheet Metal Workers' International Association of Greater New York, an unincorporated association; JOINT APPRENTICE- SHIP COMMITTEE, representing the Employers' Association in the Sheet Metal Industry in New York City and said Local Union No. 28; JOHN MULHEARN, HOWARD BRETZ, JOHN DASCH, MICHAEL J. MINIERI, NATHANIEL GOLD, MORRIS LIPKA, SEYMOUR ZWERLING, RICHARD FUNK, AND THOMAS A. MITCHELL	:
Respondents.	X

OPINION
COMPLAINT CASE NO.
C-9287-63

BERNARD KATZEN, Presiding Hearing Commissioner:

On January 2, 1963, the Attorney General of the State of New York, pursuant to Section 297 of Executive Law, Article 15 (hereinafter the Law Against Discrimination or the Law), filed a verified complaint with the New York State Commission for Human Rights (hereinafter the Commission), alleging that the respondents named therein violated Sections 296.1-a, 296.1(b) and 296.6 of the Law by discriminating against Negroes generally in the designation and approval of applicants for sheet metal apprenticeship training and against one James Ballard, specifically, by refusing to designate him for such training because he is Negro, following his application on March 23, 1962.

The respondents are: Mell Farrell, individually and as president of Local Union No. 28 of Sheet Metal Workers' International Association of Greater New York (hereinafter Local 28 or the union), an unincorporated association; Joint Apprenticeship Committee (hereinafter JAC or the Committee), an instrumentality jointly created by the union and the Sheet Metal Contractors' Association of New York City, Inc., and the Mechanical Contractors Association of New York, Inc.; John Mulhearn, Recording Secretary of Local 28 and Secretary of the JAC; Howard Bretz, John Dasch, and Michael J. Minieri, representatives on the JAC of Local 28; Nathaniel Gold, Morris Lipka, and Seymour Zwerling, representatives on the JAC of the Sheet Metal Contractors' Association, Seymour Zwerling being the Chairman of the JAC; and Richard Funk, formerly, and Thomas A. Mitchell, presently, representatives on the JAC of the Mechanical Contractors' Association, Richard Funk being such representative at the time of Ballard's application and Thomas A. Mitchell, being his successor.

On August 2, 1963, the Investigating Commissioner notified the parties that he had found probable cause to credit the allegations of the complaint. On August 30, 1963, having failed to eliminate the unlawful discriminatory practices complained of by conference, conciliation and persuasion, he directed the case to be noticed for public hearing, which opened on September 23, 1963.

In essence, the complaint alleges that the JAC operates a four-year eight-semester, apprenticeship training program, registered with the New York State Apprenticeship Council and the Bureau of Apprenticeship and Training of the United States Department of Labor; that there were approximately 475 apprentices in training in the year 1962; that employment as a sheet metal journeyman in the construction industry in New York City is virtually unobtainable except through such apprenticeship training and union membership; that sheet metal apprentice training in Greater New York under the auspices of Local 28 antedates the enactment of the Law Against Discrimination; that during this period, Local 28 has not had, and does not now have, any Negro members or apprentices; that a restrictive provision in the Constitution of the Sheet Metal Workers International Association (hereinafter International) denied Negroes full union membership privileges and limited them to auxiliary lodges until November 1946; that the Standard Form of Union Agreement (hereinafter SFUA) between the union and employers association in the sheet metal industry in New York City provides that apprentice candidates shall be designated by the union, subject to the approval of the JAC; that Rule 2 of the Rules Governing Apprentices, adopted by the JAC, fixes the age range for apprenticeship designation between 18 and 23 years (and up to 25 years in the case of veterans whose applications are of record prior to service); that it is the practice to favor an applicant having a high school diploma or its equivalent and require sponsorship by a member of the union, but waives sponsorship if the applicant is a veteran.

The complaint also recites that on March 23, 1962, James Ballard, a 22-year-old Negro, appeared at the union office and filed a written application for admission to apprenticeship training; that Ballard

met the age and educational requirements, and was exempt, as a veteran, from the condition of union member sponsorship; and that on June 6, 1962, the New York State Department of Labor tested Ballard and subsequently recommended him for sheet metal apprentice training. It was further alleged that the union designated 56 applicants for apprenticeship training commencing on or about July 1, 1962, but failed to select Ballard, giving as its reason therefor that there were many persons ahead of him on the waiting list.

The complaint also alleges that the union did not follow strictly chronological order in the designation of the July 1962 apprentice training group; that none of the applicants who filed before Ballard was a Negro; that if strictly chronological selection were followed, Ballard would be precluded from being designated because of his becoming overage; that more than 80% of all apprentices in training, and more than 90% of the July 1962 designees were relatives of union members; that since Local 28 has no Negro members, the preference favoring relatives of members precludes admission of Negroes; and that applicants who are not related to union members, and Negroes specifically, are consequently denied an opportunity for entry into the sheet metal industry.

Furthermore, the complaint alleges that the JAC knew of Ballard's application and of his qualifications prior to the July 1962 selections; that it accepted, without protest, the union's apprentice designees; and that both the union and the JAC failed to designate Ballard for the apprentice training semester commencing in January 1963.

The Attorney General charges that Local 28 discriminates in designating apprenticeship applicants for training because of race and color, and, in particular, discriminated against James Ballard because of his race and color; that the JAC and the individual members thereof, in approving the union's designation of apprentices acquiesced in and ratified the discrimination practiced by Local 28 against Negroes because of their race and color; and that, as a result, the union is in violation of Section 296.1-a and Section 296.1(b) of the Executive Law, the JAC is in violation of Section 296.1-a of the Law, and all of the individual respondents are in violation of Section 296.6 of the Law.

All the respondents deny they practice discrimination. The union claims that the apprentice designations were made pursuant to a validly prepared waiting list. The individual employer representatives deny any knowledge concerning the actions by the union or its representatives. In addition, respondent Zwerling asserts that any discrimination were practiced, it resulted solely from the union's policies and standards in making selections.

The union also sets forth two affirmative defenses: one, that Ballard was not qualified for admission into the apprentice program, and another, which this Commission does not consider germane to the unlawful discrimination charged herein.

Local 28 and individual respondents Mulhearn, Bretz, Dasch and Minieri, who represent the union on the JAC, have moved that the complaint be dismissed for the following reasons:

- a. That the complaint of the Attorney General was not filed within six months after the alleged unlawful discriminatory practice, as required by Section 297.3;
- b. That Ballard was not "qualified" for admission, within the meaning of Section 296.1-a(a); and that even if he ^{be} found qualified, the evidence fails to establish he was denied admission because of race or color, in violation of Section 296.1-a(a);
- c. That this Commission is precluded from considering and determining whether the respondents discriminate against Negroes generally.

As to Point "a": During the course of the Hearing, Local 28 asserted that the complaint should be dismissed in that it was not filed within six months after the alleged unlawful discriminatory practice. It contends that the alleged acts of discrimination occurred on June 25, 1962, when the JAC refused to appoint Ballard to the July, 1962 class, and that, since the complaint was not filed until January 2, 1963, the six-month limitation of Section 297.3 has not been met. Such a view is untenable. Ballard applied for admission on March 23, 1962. There is no validity to the argument that Ballard could have been appointed only within the ensuing three months' period. The record clearly shows that many applicants were appointed years after the time of their applications, and at the hearing the union took the

inconsistent position that it had not yet acted upon Ballard's application because of a lengthy waiting list. It would follow that the failure to select him for the July, 1962 class did not constitute, in and of itself, a rejection of Ballard from all future classes. Among those who were selected for the July 1962 class were some applicants who had filed in 1959, 1960 and 1961, and others who had waited only from seven to ten months. If Ballard had been chosen for the January 1963 class, he would have waited nine and one-half months and would have been within the waiting range of the latter group.

The act of rejection, therefore, did not occur with the failure to have Ballard selected for the July 1962 class. In fact, it appears that the union's conduct barring the selection of Ballard did not occur until sometime in August of 1962 when Mulhearn ascribed the non-selection of Ballard to his low chronological standing. Later in the same month, the union membership voted to freeze the list of apprentice applicants on file and to select thereafter on a strictly chronological basis. Parenthetically, the union's January 1963 and July 1963 selection failed to follow this membership-voted policy.

Furthermore, the Statute of Limitations could not have commenced to run in June of 1962 for the union at no time acted upon Ballard's application or advised him of any action taken. International Brotherhood of Electrical Workers Local 35 v. Commission on Civil Rights, 140 Conn. 537, 102 A. 2d 366 (1953). Consequently, the complaint was timely filed.

In any event, upon all the evidence, and as hereinafter will be discussed, the union followed a continuous policy of exclusion based on discrimination against Negroes, and the date of the occurrence of a continuing discriminatory practice is any date subsequent to the commencement of such a practice. See Rule 2-e, Rules Governing Practice and Procedure before the State Commission for Human Rights. It may also be pointed out that the defense failed to assert the Statute of Limitations in its answer.

As to Point "b": The union interposed the defense of Ballard's lack of qualifications.

When he applied to Local 28 on March 23, 1962, he had a high school equivalency diploma. His aptitude for sheet metal specialization was confirmed by tests administered on June 6, 1962, by the New York State Department of Labor. At the hearing the union's own expert witness described those tests as "an excellent tool." There was also testimony that the persons who conducted and evaluated the tests were qualified in accordance with standards laid down by the American Psychological Society, the New York State Civil Service Commission, and the New York State Employment Service.

The Apprenticeship Training Standards of June 1, 1952, adopted by the JAC and Local 28, specify a six-month probationary period, the registration periods, the length of the school term, the hours of study, the rules governing apprentices, and the school curriculum, which includes rather detailed mathematical instruction. There is nothing in these Standards requiring a prior demonstration of mathematical proficiency. Whether candidates had to submit to an aptitude test was in the discretion of the JAC. Not only is there no evidence of record that any applicant, during the course of the program's seventy-year history, was actually required to demonstrate mathematical skill and aptitude as a condition for acceptance, but the union has not shown the individual qualifications of candidates who were admitted.

The union claims that the evidence fails to establish that Ballard was denied admission because of his race and color. The question whether Ballard was discriminated against because of his race or color involves a consideration of all the evidence.

Rule 2 of the Rules Governing Apprentices of the Apprenticeship Training Standards for the Sheet Metal Industry, adopted by the union and the JAC, which fixes the age range for apprenticeship designation between 18 and 23 years, specifies the only expressed requirement for admission to apprentice training. At the time of his application, Ballard was 22 years old. The practices of Local 28 to favor applicants having a high school diploma and to require sponsorship by a member of the union are not mandatory selection requirements of the union and the JAC. These are merely preferences and are waived if the applicant has an equivalency diploma and if he is a veteran. Ballard does have a General Equivalency Diploma which he earned during his four and one-half years of service in the United States Air Force.

Local 28 argues that there were approximately 389 active applications of record filed before Ballard's; that no applicant was designated for the July 1962 and January 1963 classes who had filed later than Ballard; and that the union adheres to the chronology of applications in making selections. However, the record is clear that strict chronological selection is not followed. Among those who were selected for the July 1962 class were seven whose applications were dated no earlier than August 1961; and in the January 1963 class there were four designees whose applications were made no earlier than January 15, 1962. Also included in those classes were designees whose applications had been pending since October 7, 1958.

Of the 389 prior applications, 25 were undated but were claimed by the union to have been filed before Ballard's. These undated applications lend support to the conclusion that the union did not bind itself by the date of application. Furthermore, this is fortified by the fact that in making selection for the July 1962 and January 1963 classes the union passed over applicants who had filed earlier than some selected. It is obvious, then, that the union did not adhere strictly to chronological selection.

The fact that none of the applicants who filed after Ballard was chosen for the July 1962 and January 1963 classes does not prove that Ballard was treated indiscriminately with respect to the date of his application. Those classes were composed after Ballard's application was of record; the failure to choose applicants subsequent in time appears to be attributable to the union's endeavors to safeguard its position in the impending hearing.

As to Point "c": It is asserted that this Commission is without power to consider and determine whether the respondents discriminate against Negroes generally.

Section 290 of the Law gives this Commission "general jurisdiction and power" and enables it "to take other actions" to eliminate and prevent discrimination because of race or color. Section 296.1 (b) states, in part, that it shall be an unlawful discriminatory practice "For a labor organization, because of the ... race, creed, color or national origin of any individual, to exclude ... from its membership such individual. ..."

Section 296.1-a states, in part, that it shall be an unlawful discriminatory practice for a labor organization or any joint labor-management committee controlling apprentice training programs:

"(a) To deny to or withhold from any qualified person because of his race, creed, color or national origin the right to be admitted to or participate in a guidance program, an apprenticeship training program, on-the-job training program, or other occupational training or retraining program."

Section 297.2 provides, in part, that:

"If, upon all the evidence at the hearing the commission shall find that a respondent has engaged in any unlawful discriminatory practice as defined in this article, the commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful discriminatory practice and to take such affirmative action . . . as, in the judgment of the commission will effectuate the purposes of this article"

The scope of this Commission's jurisdiction was clearly expressed in Holland v. Edwards, 282 App. Div. 353, 122 N.Y.S. 2d 721 (1953), aff'd, 307 N.Y. 38 (1954). In that case, the court cited Section 290 and held that "within the area of prescribed action and in the field of discrimination as defined by the statute the jurisdiction of the Commission must be taken as plenary."

There are three significant references in that decision. The first is that this Commission is empowered not only to eliminate but to prevent discrimination. After a finding of discrimination with respect to an individual Negro, it has the power to prevent similar discrimination against all Negroes. Discrimination against a Negro because of his race is conclusive of discrimination against all Negroes because of their race. A contrary position leads to the incongruous result that while some Negroes may be rejected because of their race, others will be treated equally with whites. If a Negro is discriminated against solely on the basis of race, this indicates that other Negroes will be discriminated against because of their race.

Secondly, this Commission is authorized to take "other actions against discrimination." Such other action includes a complete eradication of racial discrimination wherever it is found within the enumerated areas of Section 290. Any other view would limit the Commission's function to

correcting acts of specific discrimination, against specific individuals, in specific instances, and would transform the term "discrimination" into the term "specific discrimination." Nowhere is there support for such a constricted interpretation.

Thirdly, the jurisdiction of this Commission to eliminate and to prevent discriminatory practices is plenary. Webster's dictionary defines "plenary" to mean "complete, full", and "practice" as "a repeated or customary action." Webster's Seventh New Collegiate Dictionary, 1961. It would hardly square with these definitions to hold that a redress of specific grievances circumscribes the full scope of this Commission's power when such grievances may only be indicative of an underlying, customary and pervasive policy of discrimination against all Negroes.

When read in conjunction with the above interpretation, the true import of the phrases "any qualified person", "unlawful discriminatory practice", and "such affirmative action" becomes clear. "Any qualified person" does not mean "any specific qualified person";¹ "unlawful discriminatory practice" does not mean "specific unlawful discriminatory practice"; and "such affirmative action" does not mean "such limited affirmative action." Once evidence of a discriminatory practice is found, this Commission may determine whether a general discriminatory pattern exists and order its elimination.

Further reinforcement for this authority is found in Section 300 of the Law, which provides that Article 15 "shall be construed liberally for the accomplishment of the purposes thereof."

An adjudication of the factual question whether Local 28 was in violation of the Law in discriminating against Negroes generally can, in part, be resolved more perceptively in the light of the historical background of the craft union and in the cultural and economic setting in which Local 28 was formed and grew.

The apprentice training program sponsored by Local 28 bears a remarkable resemblance to the medieval guilds which were prominent from the 12th through the early part of the 17th centuries. Both regulate the right to practice in

1) In this context, it is significant that Section 292.1 defines the term "person" as including "one or more individuals."

a particular craft by prescribing the standards and limitations for apprentice admissions. For example, the English Statute of Labourers and Apprentices of 1563 prescribed seven years as the period of apprenticeship; Local 28 requires four years. Under the Statute the term was to extend until the apprentice was 24 years old; Local 28 requires that the apprentice applicant be between the ages of 18 and 23. Under the Statute no one could be apprenticed who was not a freeman's son and no person could exercise a craft unless he had been apprenticed; the Constitution of the International formerly contained a provision, not deleted until November 1946, that no Negro could ever become a full member, and the record clearly shows that access to employment and apprenticeship in the sheet metal craft is substantially controlled by Local 28. Every master with three apprentices was compelled by the statute to keep at least one journeyman; Article X of the SFUA provides that every employer is entitled to one apprentice for every four journeymen. It was also the practice of the guild to limit membership of the craft to those born in the guild; there is sufficient evidence to conclude that over 80% of all apprentices in training and over 80% of the July 1962 designees are relatives of Local 28 members, and that this preference for relatives of union members predominated throughout the union's seventy-five year history.

Local 28 came into being in 1888. Less than 30 years earlier, at least 240,000 free Negroes were living in the North under severe proscriptions. Their economic opportunities were severely circumscribed to protect their white competitors.

On the eve of the Civil War, some Negroes could be found in the skilled trades and professions. However, the overwhelming majority performed menial service jobs. In New York and other Northern cities, they worked as laborers, servants, bootblacks, porters, washerwomen and cooks. Hampered by limited job and educational opportunities, they were relegated to the performance of such menial service, and consequently could qualify for nothing but simple, unskilled labor.

In an era of generally expanding economic and social mobility, Northern Negroes were confronted with racial discrimination and exploitation. They were forced into racial stereotypes and their exclusion from "respectable" jobs fixed their economic status. Racial prejudice manifested itself in the day-to-day struggle for existence, in sub-marginal living, in the lowest unskilled jobs, in the hostility of white workers, both native and immigrant, and in discriminatory, exclusionist trade unions. Because of racial antipathy, they were forced to live in wretched housing in the "Negro" section of town. They were relegated to an inferior caste status, - white workers refused to work with Negro apprentices, and to be associated with a Negro meant a loss of prestige.

In the North, the few Negroes who had skilled jobs lost them to white workers during the great waves of immigration. From 1841 through 1880 over 9,000,000 immigrants entered the United States. Many were poor and accepted any kind of employment regardless of wages or working conditions. Consequently, large numbers of the newly-arrived immigrants displaced the Negro from former "Negro jobs", and in the two decades preceding the Civil War, the immigrants broke the Negro's dominance in service occupations.

Because the Negro no longer dominated menial labor, he had to search for new jobs. He had to learn the mechanical arts and skilled trades and to educate his children. However, he was excluded from the workshop and was relegated to inferior schools, resulting in a lack of opportunity to acquire the needed skills.²

Local 28 was formed a quarter of a century after the Emancipation Proclamation. The period prior to its formation was marked by the restoration of "white supremacy" in the South and a diminution of Northern support for the rights of Negroes. The United States Supreme Court had

2) For a development of the status of the American Negro during the 19th and early part of the 20th centuries, see Gist and Halbert, Urban Society (1937), pp. 122-242; Frazier, The Negro in the United States (1957), pp. 124-145, 666-696; Litwack, North of Slavery: The Negro in the Free States, 1790-1860 (1961) pp. 153-178.

declared unconstitutional some of the laws enacted by Congress after the Civil War to enforce the clauses of the 14th and 15th Amendments protecting the civil and political rights of the Negro.³

In 1883 it declared unconstitutional the Civil Rights Act of 1875 forbidding discrimination in public places. Civil Rights Cases, 109 U.S. 3, 27 L. Ed. 835 (1883).⁴

Throughout that period, organized labor remained quiescent, if not oblivious, to the concept of equal employment opportunity and made few, if any, contributions to the solution of the racial problem in employment. All too frequently, it limited membership to white workers, or placed the Negroes in separate, inferior all-Negro auxiliaries, thereby transforming the exclusionary economic practices of the early guilds into conscious patterns of racial discrimination.

While it is encouraging to note that in the past few decades responsible labor leadership has made significant strides in opening the doors to equal employment opportunities for Negroes, nevertheless, even today, there are pockets of resistance and hold-outs. A prominent labor

3) In the Slaughter House Cases, 16 Wall. 36, 21 L. Ed. 394 (1873), the Court held the amendments were primarily restrictions upon the states for the protection of the freed Negro, and were not extensions of the power of the federal government, and that general fundamental civil rights remained under State protection; in United States v. Cruikshank, 92 U.S. 542, 23 L. Ed. 588 (1876), it was held that, as against private persons acting in combination, rights of assembly, of bearing arms, and of not being deprived of life, liberty, and property were not rights "granted and secured" by the Constitution of the United States within the meaning of Section 6 of the Enforcement Act of 1870 (16 Stat. 141, 144), and that the Constitution still left it to the State, rather than the United States, to protect its citizens; in United States v. Reese, 92 U.S. 214, 23 L. Ed. 563 (1876), the Court held parts of the Enforcement Act of 1870, supra, which provided for the use of federal force to protect the Negro in his right to vote, unconstitutional, on the ground they did not specify that the denial of suffrage must be on the sole ground of race or color.

4) The Civil Rights Act of 1875 (18 Stat. 335) provided that all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of accommodations and other public amusement. It was held unconstitutional on the ground that the 14th Amendment applies to state action and that such legislation (The Civil Rights Act) is properly the domain of state legislatures.

leader has dramatically reflected this condition in stating that: "Many of our older unions were born and grew up in an earlier and less enlightened period. They reflected the attitudes of their communities - prejudice based on ignorance. Discrimination was not only accepted; it was respectable. It is a measure of our progress that where discrimination still survives, it is a bootleg product, sneaked in by subterfuge. Even those who practice discrimination know that its days are numbered."⁵

In an era when the entire moral and social climate was steeped in racial antagonism toward the Negro, Local 28 was born and its admission practices fashioned. Acutely reflective of those times was the restrictive provision in the International's Constitution.

It is against this historical background that this Commission is able more accurately to evaluate the evidence in this case.

Despite the vast increase in construction in New York City, and despite the fact that the United States Department of Labor has estimated construction volume in the United States by 1970 will be \$87.3 billions, requiring an additional force of skilled labor of nearly 2,000,000,⁶ there has been no significant quantitative change in the membership of Local 28 during the last ten years. While there are currently 3,300 Local 28 members, none is Negro. Admission into the apprentice program is on the basis of a personal interview, theoretically. As admitted by the JAC, however, it has abdicated that function to the exclusive judgment of Local 28. An applicant is usually sponsored by a union member, sometimes by an employer or friend. While there are many more applicants than vacancies, there is no indication that any applicant sponsored by the union has ever been rejected.

5) Statement by George Meany, President, AFL-CIO, on March 26, 1960, as reported in The Economic Situation of Negroes in the United States, U. S. Department of Labor, Bull. S-3, Revised 1962, p. 17.

6) United States Labor Department Manpower Report, 1963.

The National Apprenticeship and Training Standards for the Sheet Metal Industry of 1961, adopted by the Sheet Metal International, require that all applicants submit to the JAC "a copy of their birth certificates, transcript of school courses and grades obtained and, when requested, a record of their physical examination." They also provide that the JAC "may also require the apprentice applicant to take an aptitude test to warrant consideration of his application," (NATS, par. 2, Qualifications for Apprenticeship Applicants, at page 2.) However, nothing adduced at the hearing supports a finding that any applicant sponsored by the union has ever been rejected because of such requirements, or that they were ever applied to union-sponsored applicants.

It is also indisputable that Local 28 maintains a tight control over apprenticeship openings and consequently over access to employment and union membership in the sheet metal craft. The number of apprentices admitted in any year is determined by the ratio of apprentices to journeymen. This ratio has been limited to 1:4 by contract, not by current demand.

The over-all result is the maintenance of a chronic labor shortage in the sheet metal trade. Farrell advised the head of the Attorney General's Civil Rights Bureau that virtually all the new construction that took place in New York City following the Second World War was covered by Local 28 contracts. Farrell also advised that during this period there frequently were insufficient numbers of union members who were available, and that Local 28 called upon sister locals of the International from without the city, as well as allied trades in the building trades council, such as ironworkers, boiler-makers, steamfitters and welders, and even upon a group of non-union specialty men who were available when other sources proved inadequate. Similarly, the evidence shows that in 1962 Mulhearn stated that he could not think of any large sheet metal firm in the New York City area that was not under contract with Local 28.

Since admission to apprenticeship is conducted largely on a nepotistic basis involving sponsorship by incumbent union members, it follows that where there is an all-white union, the exclusion of Negroes will tend to be perpetuated. Professor Donald F. Shaughnessy, a specialist in labor history

at Columbia University, testified that Mulhearn "saw no need to take in any Negro youths in the apprenticeship program" and that "he was satisfied with the apprenticeship program as it was, so he saw no reason to change it." Evidence of such standpattism is the case of Ferdinand Shelton, a Negro sheet metal worker. Shelton testified that during the course of his employment the shop in which he was working became unionized by Local 28. Since he was the only mechanic in the shop at that time, the union brought in all new men. Although he attempted to get into Local 28, he was denied admission and he was also denied a permit to work as a sheet metal mechanic. He was told by Louis Kahl, Business Agent of Local 28, that Kahl "knew that they [Local 28] did not have any Negroes in there and as soon as they did start taking them in, I would be one of the first." Because of his non-union status, he was reassigned to driving a truck. Subsequent efforts on his part to gain admission into the union met with failure, and Shelton testified that Kahl "still said they wasn't taking Negroes in."

There are also the cases of Heyward James, a Negro who wanted to become an apprentice, but was given a journeyman application by Mulhearn fully aware that James could not qualify for such a position, and William Davis, a Negro who was rejected because he was not a resident even though Local 28 has for years been importing non-resident sheet metal mechanics into New York City.

Virtually, the only way of gaining admission into Local 28 is through apprenticeship, and the only way of getting an apprenticeship is by being a son, nephew or other close relative of a union member. Negroes as a class are thus automatically excluded.

It is no defense to say that selection based on family ties affects whites and non-whites alike, and therefore does not discriminate against Negroes specifically. The consideration of family preferences is particularly significant in view of the rigid controls that Local 28 exerts over the job market for sheet metal mechanics on most of the construction projects in New York City. Local 28 is not charged with discrimination against a cross-section of all persons, but against Negroes specifically. The fact that its practices may work against some white persons at some times does not alter the fact that they work against all Negro applicants at all times.

The fact that a white person may be barred because there is no union member to sponsor him is evidence only that he was barred because he lacked such union sponsorship, not because he is white. In the case of the Negro, however, his preclusion is due to the fact that he is a Negro. Mostly, the union members sponsor their relatives. The fact that there are no Negro union members to sponsor the Negro applicant makes the discrimination against him a racial one.

A somewhat analogous situation was presented in Meredith v. Fair, 305 F. 2d 343 (1962), cert. den., 371 U.S. 828, 9 L. Ed. 2d 66 (1962). There, a Negro student sought admission to the University of Mississippi but was confronted by a requirement of alumni sponsorship and there were no Negro alumni. The Court viewed the requirement as placing a heavier burden on Negro applicants than on white applicants and regarded "such a requirement as an unconstitutional discrimination against Negroes" and "as demonstrable evidence of a State and University policy of segregation." 305 F. 2d. at 352.

If this Commission were to permit unions having no Negro members to select applicants solely on the basis of their relationship to persons already admitted to membership, the Law's mandate would be violated. This view is supported by authority.

In Guinn v. United States, 238 U.S. 347, 59 L. Ed. 1340 (1915); Myers v. Anderson, 238 U.S. 368, 59 L. Ed. 1349 (1915); and in Lane v. Wilson, 307 U. S. 268, 83 L. Ed. 1281 (1939), the Supreme Court of the United States struck down "Grandfather Clauses" in state legislation on the ground that their effect would qualify white citizens to vote, but would disqualify Negroes solely because their ancestors, being slaves, had been barred from voting, and held that such legislation was, in reality, predicated upon considerations of color. To select apprentices on the basis of their blood relation to union members produces a foreclosure of employment opportunities to Negroes, just as ancestry qualifications in the above-cited cases precluded Negroes from voting.

In International Brotherhood of Electrical Workers Local 35 v. Commission on Civil Rights, supra, the union argued that since its practices fell with equal exclusionary effect upon both whites and Negroes, it could not be held to have committed discrimination against Negroes. That Commission, which was upheld by the court, pointed out that "The inbreeding which such nepotism nurtures may discriminate against some white persons but Negroes are thereby precluded from membership absolutely."

And in Todd v. Joint Apprenticeship Committee, 223 F. Sup. 12 (N.D. Ill. 1963), the court found that the apprenticeship list of the union and the Joint Committee represented a history of discrimination against Negroes; that chronology of application was a criteria only when it was desired to be; and that "the history and general policies of the Union and the Joint Committee, manifest a definite policy and history of discrimination against those of the Negro race," which, "because of the inherent and patent futility" of Negroes making applications, resulted in few Negro referrals to the union and the Joint Committee.

A union's methods of apprentice designations are not sacrosanct and impervious to external challenge. A union which, as in this case, has attained a monopoly of the supply of labor "occupies a quasi-public position" and "may not legally claim the same freedom from legal restraint enjoyed by golf clubs or fraternal associations," since "[I]ts asserted right to choose its own members does not merely relate to social relations; it affects the fundamental right to work for a living." James v. Marinschip Corp., 155 p. 2d 329 at 335 (1945). And in Truax v. Raich, 239 U.S. 33, 60 L. Ed. 131 (1915), the United States Supreme Court declared that "the right to work for a living in the common occupations of the community is of the very essence of the personal freedom and opportunity that it was the purpose of the [Fourteenth] Amendment to secure."

Exclusionary practices, whatever their vice or merit, are not necessarily violative of the Law Against Discrimination. It should be noted that a chronological list, a monolithic pattern, or a nepotistic system, each by itself, is not being held by this Commission to be discriminatory per se. However, when a combination of these devices in given circumstances is utilized for apprentice or journeyman admission so as to bar equality of employment opportunity because of color or race, it does become violative of the Law.

Respondents Funk and Mitchell contend that the complaint, as to them, should be dismissed, in that:

- a. al 28 alone determined the selection of candidates, and a violation of Section 296.6 (the aiding and abetting provision) requires a finding of affirmative action relating to discrimination, and there was no such affirmative action on their part; and

- b. Even if they passively approved the designations made by Local 28, such approval was not predicated on the basis of race or color.

As to Point "a": Section 296.6 provides that "It shall be an unlawful discriminatory practice for any person to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this article, or to attempt to do so."

The respondents contend this section applies only to affirmative action. This Commission rejects such a contention.

The JAC is a joint instrumentality of Local 28 and the Sheet Metal Contracting Division of the Construction Industry, and was created by Article X of the SFUA for the purpose of giving apprentices "every opportunity to secure proper technical and practical education experience in the trade, under the supervision of the Joint Apprentice Committee." Section 1 of Article X also provides that "All duly qualified apprentices shall be under the supervision and control of [the Joint] Apprentice Committee," with power to "formulate and make operative such rules and regulations as they may deem necessary . . . "SFUA, page 12. (Emphasis added.) Addendum "A" to the SFUA, promulgated on August 29, 1960, page 18, provides, "FIFTH: Apprentice Candidates shall be designated by the Union, subject to the approval of the Joint Apprentice Committee." (Emphasis added.) And Rule 1 of the Apprenticeship Training Standards, page 7, provides that, "All applications for new apprentices shall, at all times, be acted upon by the Joint Apprenticeship Committee. (Emphasis added.)

That apprentices "shall be under the supervision" of the JAC does not mean that they "may" be under JAC supervision; that the JAC shall exercise "control" does not mean a relinquishment of such a function; that apprentice candidates shall be "subject" to JAC approval does not mean that it may arbitrarily dispense such approval; and that "all" applications "shall, at all times, be acted upon" by the JAC does not mean that such action may be tendered in a haphazard and sporadic manner, or not at all.

It is noted that Section 296.6 refers to a discriminatory "practice." As previously stated, "practice" is defined as "a repeated or customary action. Thus, the term "practice is not limited to a specific act of omission, but is broad enough to embrace a series of repeated and customary failures to act.

The terms "aid" and "abet" are respectively defined by Webster's dictionary "to give help or support to," and "to encourage, to assist in the achievement of a purpose." (Webster's Seventh New Collegiate Dictionary, 1961.) The failure of the JAC to act, whether intentional or otherwise, helped, supported, encouraged, and assisted Local 28 in the achievement of its discriminatory purpose, and amounted to aiding and abetting within the meaning of Section 296.6.

As to Point "b": While passive approval by the JAC may not have been consciously predicated upon considerations of race or color, its acquiescence had a discriminatory effect. The JAC and its members are not charged with having applied a color bar to Negroes, but with having given support to a union which maintained and perpetuated such a bar.

Not only did the JAC have knowledge of this condition,⁷ but it also had a remedy available for the rectification thereof. Under the collective bargaining agreement governing the Joint Apprenticeship Committee, it had the power to veto the all-white designations by Local 28. Article IX of the SFUA further provides that in the event of disagreement on the approval of candidates, the issue would be referable to a Joint Adjustment Board, and from the Board, if necessary, to a tribunal composed of representatives of the International and the local contractors; if still unresolved, provision is made for arbitration.

Inasmuch as the JAC could and should have moved against the color bar maintained by the union, its passive role in the selection of apprentices aided and abetted the discriminatory practices complained of.

Respondents Gold and Lipka contend that the complaint, as to them, should be dismissed on the grounds that:

- a. The evidence must establish that Ballard would have been admitted had he not been a Negro, and the evidence does not so establish;

7) With respect to Ballard, it was stipulated that all the members of the JAC had notice prior to June 27, 1962, that he had applied for apprentice training. And each knew, or should have known, that no Negro had ever been referred to the JAC for approval.

b. The lack of appointments of Negroes to the apprenticeship training program is the result of a policy of nepotism and such a policy was never approved by them;

c. They had no legal duty to move forward and challenge the designations made by Local 28; and

d. This Commission does not have the power to determine that external yardsticks and objective standards should be established to govern admission to apprentice training, or to dictate what those criteria shall be.

As to Point "a": The only matter properly before this Commission is the question whether Negroes are discriminated against because of their race and color; conjectural considerations whether Ballard would or would not have been admitted had he been white are irrelevant.

As to Point "b": It is abundantly clear that a policy of nepotism has contributed to the exclusion of Negroes. It is no defense that such a policy was never approved by the JAC. By its passivity and by its failure to disapprove the prevailing format of apprenticeship selection, the JAC has implicitly ratified a pattern of Negro exclusion.

As to Point "c": The JAC knew, or should have known, of the discriminatory selection practices of Local 28, and it had a duty to challenge and reject such practices.

The fact that the members of the JAC are not paid employees whose time is devoted exclusively to the operation of the training program is of no import. By the nature of their office they were charged with the responsibilities of supervising and controlling the administration of the program and in taking appropriate, affirmative action on all applications, at all times.

Section 302 of the Labor Management Relations Act of 1947, as amended, (29 U.S.C.A. §185) makes unlawful the payment by an employer or association of employers of money or other thing of value to a labor organization but exempts such payments to a trust fund established for the purpose of defraying the cost of apprenticeship training. The operative effect of this section extends to the JAC. The existence of the trust fund is necessary to legalize contractor payments toward the conduct of the apprenticeship school. The members of the JAC act as trustees for educational purposes, and they expressly refer to

themselves as trustees. The members of the JAC, being trustees, are responsible individually for their conduct, and may not exculpate themselves by claiming that they merely acquiesced in the actions of Local 28.

In Booth v. Security Mutual Life Insurance Co., 155 F. Supp. 755 (D.C.N.J. 1958), the court held that a trustee who stood idly by while other trustees diverted the trust fund, was under a duty to take action and was, therefore, not excused by reliance on the conduct of his co-trustees. The obligation of the members of the JAC, as trustees, was continually to make informed judgments in approving the persons to whom apprentice training should be given. They were not free to abdicate that function to the union. See Matter of James, 22 Misc. 2d 1062, 123 N.Y.S. 2d 520 (1953).

As to Point "d": It is not this Commission's function, nor indeed, within its competence, to dictate technical criteria for admission to apprentice training. However, once discrimination is found to exist, it is this Commission's responsibility and duty to require the adoption of measures which in its judgment will assure apprenticeship selection on a nondiscriminatory basis and to determine the extent of compliance therewith.

On the basis of the above, and on the evidence considered as a whole, there is ample justification for the conclusion that Ballard was denied admission to the apprentice training program because he is a Negro and that this policy of discrimination extends to Negroes as a class.

Never in the seventy-five year history of Local 28 have there ever been any Negro apprentice trainees or any Negro union members.⁸ Through a combination of historical and traditional practices which denied Negroes equality of opportunity in employment, Ballard and all Negroes similarly situated were, ab initio, barred from the union's doors. It would have been an exercise in futility for a Negro to have applied, knowing full well what the result of his application would be.

An essential criterion of a democratic society is the opportunity to achieve economic fulfillment. Section 291 of the Law Against Discrimination

8) Mulhearn testified that he saw two dark-skinned persons at a union meeting in the 1930's. There is no evidence, however, that they were union members.

expressly recognizes and declares equality of opportunity in employment to be a civil right.

The monolithic racial pattern and discriminatory admission practices of Local 28 and the JAC negate this fundamental democratic ethic.

This Commission will not sanction apprenticeship or journeymen admission techniques which act as a bar to equality of employment opportunity based on race, color, creed or national origin.

Upon all the evidence at the hearing, this Commission finds:

1. That Local Union No. 28 of Sheet Metal Workers International Association of Greater New York and the Joint Apprenticeship Committee are in violation of Section 296.1-a of Executive Law, Article 15;

2. That Local Union No. 28 of Sheet Metal Workers International Association of Greater New York is in violation of Section 296.1(b) of Executive Law, Article 15; and

3. That Mell Farrell, John Mulhearn, Howard Bretz, John Dasch, Michael J. Minieri, Nathaniel Gold, Morris Lipka, Seymour Zwerling, Richard Funk, and Thomas A. Mitchell, are in violation of Section 296.6 of Executive Law, Article 15.

An order will be entered and issued in accordance with this opinion.

Dated: New York, New York
February 26, 1964

BERNARD KATZEN
Presiding Hearing Commissioner

We concur with and join in the opinion of Presiding Hearing Commissioner Bernard Katzen.

FRANCIS X. GIACCONE
Hearing Commissioner

RUPERTO RUIZ
Hearing Commissioner

STATE OF NEW YORK : EXECUTIVE DEPARTMENT
STATE COMMISSION FOR HUMAN RIGHTS

LOUIS J. LEFKOWITZ, Attorney General of the
State of New York,

Complainant,

- against -

MELL FARRELL, individually and as president
of Local Union No. 28 of Sheet Metal Workers'
International Association of Greater New York,
an unincorporated association; JOINT APPRENTICE-
SHIP COMMITTEE, representing the Employers'
Association in the Sheet Metal Industry in
New York City and said Local Union No. 28;
JOHN MULHEARN, HOWARD BRETZ, JOHN DASCH,
MICHAEL J. LINIERI, NATHANIEL GOLD, MORRIS
LIFKA, SEYMOUR ZWERLING, RICHARD FUNK, and
THOMAS A. MITCHELL,

Respondents.

NOTICE OF ORDER

Case No. C-9287-63

SIRS:

PLEASE TAKE NOTICE that the within is a true copy of an order, dated
March 20, 1964, issued herein by the State Commission for Human Rights and
filed with the Executive Secretary of the Commission on the 20th day of March,
1964. In accordance with Rule 11-e of the Commission's Rules Governing
Practice and Procedure, copies of this order have been filed in all offices
maintained by the Commission. The order may be inspected by any member of
the public during the regular office hours of the Commission.

PLEASE TAKE FURTHER NOTICE that complainants, respondents or any other
person aggrieved by this order may obtain judicial review thereof in a pro-
ceeding under Section 298 of the Law Against Discrimination, and that such a
proceeding must be instituted within thirty (30) days after the service of
this order.

STATE COMMISSION FOR HUMAN RIGHTS
By

Bernard Katzen

S/Bernard Katzen
Bernard Katzen
Vice Chairman

Dated: New York, New York,
March 20, 1964.

LOUIS J. LEFKOWITZ, Attorney General of the
State of New York

Complainant,

- against -

MELL FARRELL, individually and as president
of Local Union No. 28 of Sheet Metal Workers'
International Association of Greater New York,
an unincorporated association; JOINT APPRENTICE-
SHIP COMMITTEE, representing the Employers'
Association in the Sheet Metal Industry in
New York City and said Local Union No. 28;
JOHN MULHEARN, HOWARD BRETZ, JOHN DASCH,
MICHAEL J. MINIERI, NATHANIEL GOLD, MORRIS
LIFKA, SEYMOUR ZWERLING, RICHARD FUNK, and
THOMAS A. MITCHELL

Respondents.

ORDER OF THE STATE COMMISSION FOR HUMAN RIGHTS
COMPLAINTING STATEMENT OF THE CASE, FINDINGS OF
FACT AND ORDERING PROVISIONS

Statement of the Case

By complaint verified December 28, 1962 and filed January 2, 1963,
the Attorney General of the State of New York charged that the respondent
labor union (hereinafter "Local 28" or "the union") and the respondent,
Joint Apprenticeship Committee (hereinafter "JAC") discriminated against
Negroes in the designation and approval of apprenticeship candidates for
sheet metal training. The individual respondents are charged with aiding
and abetting such discriminatory practices. Local 28 has jurisdiction
over sheet metal work in the construction industry in Greater New York.
The JAC is a joint labor-management committee created by the union and two
employer associations in said industry; it is required to approve the union
apprenticeship designations and to supervise the operation of the apprentice-
training program. The individual respondents are the union's president and
the representatives on the JAC of the union and of the employers.

Pursuant to Section 297.2 of the Law Against Discrimination (Executive
Law, Article 15, hereafter the "Law"), on January 4, 1963, Commissioner
J. Edward Conway was duly designated by the Chairman to make, with the

assistance of the Commission's staff, investigation of said complaint. By order dated June 17, 1963 said Investigating Commissioner directed that Thomas A. Mitchell, the successor to Richard Funk as the Mechanical Contractors' Association's representative on the JAC be added as a party respondent. In a written determination, dated August 2, 1963, the Investigating Commissioner found probable cause to credit the allegations of the complaint; and he continued his prior endeavors to eliminate the unlawful discriminatory practices complained of by conference, conciliation and persuasion. His conciliation efforts having proved of no avail, the Investigating Commissioner on September 5, 1963 caused to be issued and served in the name of the Commission a notice of hearing, together with a copy of the complaint, requiring respondents to answer the charges at a hearing before three commissioners, sitting as the Commission, at a time and place specified in said notice.

Four separate verified answers were filed by the respondents: (1) by the union; its president, Farrell; and its representatives on the JAC, Mulhearn, Bretz, Dasch and Minieri; (2) by Gold and Lipka, two of the Sheet Metal Contractors' Association representatives on the JAC; (3) by Zwerling, the third Sheet Metal Contractors' Association representative on, and chairman of, the JAC; and (4) by Funk and Mitchell, the successive Mechanical Contractors' Association representatives on the JAC. In addition, the union respondents, by way of affirmative defense, challenged the qualifications of the Negro apprentice applicant, Ballard, whose selection had been sought by the Attorney General, and asserted the impropriety of Ballard's selection over white apprenticeship applicants who had made earlier application. Respondent Zwerling, in addition to denying the charges, claimed that, if any discrimination were practiced, it was solely chargeable against the union.

Public hearing was held at the State Office Building, 270 Broadway, New York City, before Presiding Hearing Commissioner Bernard Katzen and Commissioners Francis X. Ciaccone and Ruperto Ruiz, sitting as the Commission, said commissioners having been duly designated to act as Hearing Commissioners by the Chairman of the Commission. The hearing commenced on September 23, 1963 and further hearing sessions were held on October 21, October 22,

October 23, October 30, October 31, November 1, November 6, November 8, November 26, December 10, December 17 and December 18, 1963. The parties to the proceedings were represented by counsel; were afforded full opportunity to be heard; to call, examine and cross-examine witnesses; to make oral argument and to submit briefs. The case in support of the complaint was presented before the Commissioner by Henry Spitz, General Counsel of the Commission, by Sidney Kant, William M. Miles and Alan J. Saks, Esqs., of Counsel. The Attorney General, as complainant, was allowed to intervene and present testimony at the hearing and was represented by Shirley A. Segel and George D. Zuckerman, Assistant Attorneys General. Cohn & Glickstein, Esqs. appeared for the union respondents, by Samuel Harris Cohen and Sol Bogin, Esqs., of Counsel. Respondents Gold & Lipka were represented by Rosenthal and Goldhaber, Esqs., by Benjamin Rosenthal, Esq., of Counsel. Respondent Zwerling was represented by Herbert Burstein, Esq., by Harold Michaels Esq. of Counsel. The respondents Funk and Mitchell, were represented by Braed, Abbott & Morgan, Esqs., by Daniel F. O'Connell and Joseph B. Wollenberg, Esqs., of Counsel.

At the conclusion of the hearing, the Hearing Commissioners reserved decision and thereafter allowed the parties until January 25, 1964 to submit briefs and until February 1, 1964 to submit reply briefs. The Hearing Commissioners considered all of the evidence presented at the hearing and all of the arguments of the parties and on February 26, 1964 handed down an opinion (by Presiding Hearing Commissioner Katzen, concurred in by Hearing Commissioners Giaccone and Ruiz), a copy of which is annexed and made a part hereof.

In accordance with said opinion and upon all the evidence at the hearing herein, the State Commission for Human Rights, by Bernard Katzen, Presiding Hearing Commissioner and Francis X. Giaccone and Ruperto Ruiz, Hearing Commissioners, finds:

- 1) That Local 28 has engaged in and continues to commit unlawful discriminatory practices as defined in Subdivision 1(b) and 1-a of Section 296 of the Law Against Discrimination;
- 2) That the Joint Apprenticeship Committee has engaged in and continues to commit an unlawful discriminatory practice as defined in Subdivision 1-a of Section 296 of said Law; and

3) That the individual respondents have engaged in and continue to commit an unlawful discriminatory practice as defined in subdivision 6 of Section 296 of said Law.

Findings of Fact

1) At all times here pertinent, the respondent Local Union No. 28 of Sheet Metal Workers' International Association of Greater New York was and still is a duly chartered local union of the Sheet Metal Workers' International Association of the United States and Dominion of Canada, AFL-CIO. (In the succeeding findings, said respondent is referred to as "Local 28" or "the union".)

2) Respondent, Mell Farrell, now is and has been since 1951 president of Local 28.

3) At all times here pertinent Local 28 had and continues to have jurisdiction over sheet metal work in the construction industry throughout New York City.

4) At all times here pertinent, the Sheet Metal Contractors' Association of New York City, Inc. and the Mechanical Contractors' Association of New York, Inc. represented and continue to represent employers engaged in sheet metal work in the construction industry throughout New York City. (In the succeeding findings, said associations are referred to as SMCA and MCA, respectively).

5) At all times here pertinent, the rates of pay, rules and working conditions of all employees engaged in sheet metal work by union employers were and are governed by successive agreements known as Standard Form of Union Agreements entered into periodically by and between Local 28 and SMCA and MCA. (Standard Form of Union Agreement will hereafter be abbreviated to "SFUA" and, unless otherwise specified, reference is to the SFUA in force between August 29, 1960 and June 30, 1963.)

6) Under the SFUA, the union employers agreed that none but journeymen sheet metal workers and registered apprentices should be employed on any sheet metal work within the jurisdiction of Local 28.

7) Under the SFUA, Local 28 agreed to furnish sufficient duly qualified journeymen sheet metal workers and registered apprentices to execute the sheet metal work contracted for by union employers.

8) The SFUA in force from August 29, 1960 to June 30, 1963 provided an hourly wage for journeymen sheet metal workers of \$5.25 plus fringe benefits having a monetary value of approximately 73 cents per hour; and under the SFUA now in force the hourly wage will escalate in steps to \$6.15 per hour plus the same fringe benefits.

9) At all times here pertinent, the jobs available to Local 28 members were and are among the best paid jobs in the City of New York.

10) The respondent, Joint Apprenticeship Committee, with equal union and union employers representation thereon, was created and, at all times here pertinent, existed and continues to exist by agreement between Local 28 and SMCA and MCA and had and still has supervision and control of all duly qualified apprentices. (In the succeeding findings, said respondent is referred to as the "JAC").

11) The SFUA confirmed and continued the JAC and its functions and powers.

12) Since February 1, 1962, respondent John Mulhearn has been and still is recording secretary of Local 28 and secretary of the JAC.

13) At all times here pertinent, respondent Seymour Zwerling was and still is Chairman of the JAC.

14) At all times here pertinent, respondents John Mulhearn, Howard Bretz, John Dasch and Michael J. Minieri were and still are members of the JAC representing Local 28.

15) At all times here pertinent, respondents Nathaniel Gold, Morris Lipka and Seymour Zwerling were and still are members of the JAC representing SMCA.

16) At all times here pertinent, respondents Richard Funk and Thomas A. Mitchell were successively representatives on the JAC of the MCA, and Thomas A. Mitchell still is such representative.

17) Under the SFUA, the JAC was required to formulate and make operative rules and regulations to govern eligibility, registration, education, transfer, service, hours and working conditions of duly qualified apprentices and the operation of an adequate apprentice system to meet the needs and requirements of the sheet metal trade in New York City.

18) Under the SFUA, it was further provided that apprentice candidates should be designated by the union subject to the approval of the JAC.

19) The JAC apprentice training program consists of four years of training or eight semesters and is a combination of on-the-job training by union employers and class room instructions by the union.

20) The JAC apprentice program is registered with the New York State Apprenticeship Council and is subject to supervision by the Bureau of Apprenticeship of the United States Department of Labor.

21) At all times here pertinent, the only express requirement that the JAC imposed upon an applicant for apprentice training was that he should, at the time of appointment, be not less than 18 years of age and not more than 23 years of age, except in the case of a veteran of the Armed Services already on application record before Armed Force status (but in no case over 25).

22) At all times here pertinent, Local 28, in selecting apprentice applicants, favored those who had a high school diploma or its equivalent and required that an applicant be sponsored by at least one member of Local 28, except that veterans were not required to be so sponsored.

23) At all times here pertinent, apprentices have been and are being paid an hourly rate which commences at 10% of the journeyman's rate and rises to 80% of said rate during the final semester of sheet metal apprenticeship training.

24) Apprentices who complete the JAC apprenticeship training program are regularly and invariably accepted for membership in Local 28.

25) Completion of the JAC apprenticeship training program is practically the sole avenue to attaining membership in Local 28.

26) It is virtually impossible to obtain work as a journeyman sheet metal worker in the City of New York except through completing said JAC Apprenticeship training program.

27) In 1962 there were approximately 475 young men in said apprenticeship training program and in 1963 there were approximately 430 apprentices in training.

28) Local 28 has been in existence for at least 70 years.

29) During the past 70 years, training of sheet metal apprentices was conducted first by Local 28 and is now conducted by the JAC.

30) At no time in said period did Local 28 ever have a Negro apprentice.

31) None of the apprentices in the JAC training program are Negroes, nor have any Negroes ever been selected for the JAC training program.

32) Prior to November, 1946, the Constitution of the Sheet Metal Workers' International Association contained a provision restricting Negro applicants for union membership to auxiliary locals which were required to be affiliated with, and subordinate to, the white local unions having territorial jurisdiction.

33) At all times here pertinent, all applicants for membership in Local 28 were required to comply with all requirements of the Constitution of the Sheet Metal Workers' International Association before being accepted as members.

34) Prior to November 1946, Local 28 never had any Negro members.

35) Since November 1946, Local 28 has not had any Negro members.

36) Local 28 now has approximately 3300 members, none of whom are Negroes.

37) James Ballard is a Negro.

38) James Ballard was born April 8, 1940.

39) James Ballard was and is an honorably discharged veteran who served in the United States Air Force from May 3, 1957 to August 4, 1961.

40) James Ballard received a certificate from the United States Armed Forces Institute certifying that he had successfully completed Tests of General Education Development High School Level.

41) James Ballard's United States Armed Forces Institute certificate is the equivalent of a high school diploma.

42) On March 23, 1962, James Ballard made written application for the JAC apprentice program and filed said application with John Mulhearn at the office of Local 28, 350 Broadway, New York, N. Y.

43) On June 6, 1962, the New York State Employment Service tested James Ballard's work aptitudes by a series of tests known as General Aptitude Test Battery.

44) Said General Aptitude Test Battery is a widely used and highly acceptable tool in vocational guidance for determining work aptitudes.

45) At all times here pertinent, James Ballard possessed the qualifications which Local 28 and the JAC expressly or usually required an applicant for sheet metal apprenticeship to have.

46) At all times here pertinent, James Ballard was qualified for sheet metal apprentice training.

47) In June 1962, Local 28 designated 56 applicants for the semester of the JAC apprentice program commencing in or about July 1962 but did not designate James Ballard.

48) In January 1963, Local 28 designated 29 applicants for the semester of the JAC apprentice program commencing in or about January 1963, but did not designate James Ballard.

49) In July 1963, Local 28 designated 30 applicants for the semester of the JAC apprentice program commencing in or about July 1963, but did not designate James Ballard.

50) Local 28 claimed that it failed to designate James Ballard for the JAC apprentice program because it was its usual practice to consider and select apprentices in the order of their having filed their apprenticeship applications and that many applicants had filed before Ballard.

51) All of the applicants designated by Local 28 for the July 1962, January 1963 and July 1963 semesters had filed their applications later than many other applicants who were not designated by the union.

52) The apprenticeship applications of at least 10 of the applicants designated by Local 28 for the July 1962, January 1963 and July 1963 semesters were undated and did not otherwise indicate any filing date.

53) Local 28 did not, as a usual practice, consider and select apprentices in the order of their having filed their apprenticeship applications.

54) At least 47 of the 56 applicants designated by Local 28 for the July 1962 semester were related to members of the union.

55) At least 25 of the 29 applicants designated for the January 1963 class were related to union members.

56) At least 26 of the 30 applicants designated for the July 1963 class were related to union members.

57) At least 80% of all apprentices in the entire JAC training program are related to members of Local 28.

58) In the designation of apprentices for the JAC training program, Local 28, as a general practice, gave preference to relatives of its members.

59) By its usual practice of giving preference to relatives of its members, none of whom are Negro, Local 28 has completely barred Negroes from the JAC training program.

60) The Attorney General's office notified the JAC in writing on or before June 27, 1962 of Ballard's application and qualifications for the JAC training program and requested favorable consideration of his application.

61) Under the SFUA, all disputes arising out of the operation of said agreement which could not be settled by the union and union employer representatives directly involved were referable to a Joint Adjustment Board and to settlement conference and, if not thereby settled, to arbitration.

62) The employer representatives on the JAC could have prevented the JAC from approving the union's apprentice designees in the July 1962, January 1963 and July 1963 semesters by deadlocking the vote thereon in the JAC.

63) The JAC approved Local 28's apprentice designees for the July 1962, January 1963 and July 1963 semesters.

64) The JAC acquiesced in and ratified the failure of Local 28 to designate James Ballard for apprentice training.

65) We find as a fact that Local 28 and the JAC denied to or withheld from qualified Negroes because of their race and color the right to be admitted to or to participate in the sheet metal apprentice training program under their control.

66) We find as a fact that the individual respondents aided and abetted Local 28 and the JAC in denying to or withholding from qualified Negroes because of their race and color the right to be admitted to or to participate in their sheet metal apprentice training program.

67) We find as a fact that Local 28 excludes Negroes from its membership because of their race and color.

Ordering Provisions

This Commission having found upon all the evidence at the hearing that the respondents have engaged in unlawful discriminatory practices as defined in the Law Against Discrimination (Executive Law, Article 15), having issued its opinion herein and having stated its findings of fact, now pursuant to Section 297 of the Law Against Discrimination, it is

ORDERED that Local Union No. 28 of Sheet Workers' International Association of Greater New York and the Joint Apprenticeship Committee, their officers, directors, members, agents, employees, representatives and successors shall cease and desist from denying to or withholding from any qualified Negroes because of their race or color the right to be admitted to or participate in the sheet metal apprentice training program under their control; and it is further

ORDERED that Mell Farrell, John Mulhearn, Howard Bretz, John Dasch, Michael J. Minieri, Nathaniel Gold, Morris Lipka, Seymour Swerling, Richard Funk and Thomas A. Mitchell, their agents, employees, representatives and successors shall cease and desist from aiding and abetting said Local Union 28 and said Committee in denying to or withholding from qualified Negroes because of their race and color the right to be admitted to or participate in the sheet metal training program controlled by said Local Union 28 and said Committee; and it is further

ORDERED that said Local Union 28, its officers, directors, members, agents, employees, representatives and successors, shall cease and desist from excluding Negroes from its membership because of their race or color.

In the judgment of the Commission, the affirmative action herein-after directed will effectuate the purposes of the Law Against Discrimination; accordingly, it is

FURTHER ORDERED:

1. That said Local Union 28 and said Committee shall specify, in writing, the minimum qualifications which an applicant must have to be considered for designation to their sheet metal apprentice training program and the objective standards, tests and requirements which said Local Union 28 and said Committee intend to use for ascertaining comparative qualifications of such apprentice applicants. Prior to adopting such minimum

qualifications or any specific objective standards, tests or requirements, said Local Union 28 and said Committee shall submit the same to the Industrial Commissioner for his confidential evaluation of their reasonableness and suitability for use in the selection of persons for sheet metal apprenticeship training; and unless approved by the Industrial Commissioner, the same shall not be adopted or used; provided, moreover, that in no event shall sponsorship by a member or members of Local Union 28 be adopted as a requirement either for applying or being selected for apprentice training;

2. That said Local Union 28 and said Committee shall select apprentices on the basis of qualifications alone by designating and approving for their sheet metal apprenticeship training program those applicants who are best qualified therefor;

3. That, in evaluating the requisite minimum qualifications of each applicant and the comparative qualifications of all applicants, said Local Union 28 and said Committee shall base their evaluations on the objective standards, tests and requirements which have been duly approved by the Industrial Commissioner so that any question of claimed discriminatory treatment of applicants can be readily and fairly adjudicated by reference to such objective standards, tests and requirements;

4. That the waiting list of apprentice applicants or the filed applications of apprentice applicants, as compiled by said Local Union 28, shall not be used in the future selection of apprentices; and all former apprentice applicants shall be required to reapply and shall be considered for designation in like manner as new applicants;

5. That, with respect to each apprentice training group or class hereafter selected, said Local Union 28 and said Committee shall give at least forty-five (45) days advance written notice to the New York State Employment Service and to the Board of Education of the City of New York announcing the number of apprentices that will be selected for their sheet metal apprentice training program, that such apprentices will be selected on a specified date and that selection of apprentices will be made on the basis of qualifications alone without regard to race, creed, color or

national origin and shall disseminate to said agencies, with said announcement notice, full information as to the minimum requirements for apprenticeship eligibility, the places and dates (not to be unreasonably limited) where and when apprenticeship application may be made, and the wages and benefits of employment in the sheet metal trade;

6. That said Local Union 28 and said Committee shall cause notice of each apprentice training group or class hereafter to be selected and of the date for the selection of said apprentices to be conspicuously posted at the reception desk and in the waiting or hiring rooms at the office of said Local Union 28, 350 Broadway, New York, N. Y. at least forty-five (45) days prior to the date set for such selection and shall give full information concerning said apprenticeship training program and the requirements for selection thereto to any person interested therein regardless of his race, creed, color or national origin. Additionally, said Local Union 28 shall conspicuously post at said reception desk and in ~~all~~ of said rooms, copies of the Commission's notice or poster, as required by the Commission's General Regulation No. 1, duly filed in the office of the Department of State on June 4, 1962;

7. That said Local Union 28 and said Committee shall cause notice of the names of applicants selected for each apprentice training group or class hereafter to be selected to be conspicuously posted at the reception desk and in the waiting or hiring rooms at the office of said Local Union 28, 350 Broadway, New York, N. Y., not later than three (3) days following the selection of said group or class;

8. That said Local Union 28 and said Committee shall, upon the request of any applicant who is not selected for a sheet metal apprenticeship training group or class, furnish such applicant, in writing, the reasons for his non-selection within ten (10) days from the receipt of such request. If an applicant asserts or makes claim to said Local Union 28 or to said Committee that he was not selected because of his race, creed, color or national origin, said applicant shall be advised by said Local Union 28 or said Committee, in writing, within ten (10) days of making such assertion or claim, that he may obtain review of the evaluation of his qualifications by a competent authority to be designated by the Commissioner of Education of the State of New York;

9. That said Local Union 28 and said Committee shall maintain for two years and make available during ordinary business hours for inspection by the Commission, adequate records relative to the selection and rejection of each apprenticeship applicant, including a brief summary of any interview held and setting forth the specific factors and the judgments made which formed the basis for the selection or rejection of the applicant;

10. That said Local Union 28 and said Committee shall incorporate into any apprenticeship agreements to which either or both is a party a statement that apprentices shall be hired without any direct or indirect limitation, specification or discrimination as to race, creed, color or national origin;

11. That said Committee, the individual members thereof and any successor or successors shall fully perform the functions and duties which they assume as such Committee and as individual members thereof;

12. That said Local Union 28 and said Committee shall notify in writing all employers participating in their sheet metal apprenticeship training program of the general requirements of this order and specifically that the selection of apprentices will henceforth be made on the basis of qualification alone and without regard to race, creed, color or national origin;

13. That said Local Union 28 and said Committee shall advise their respective officers, agents, representatives, employees and members through their normal channels of communication of their obligations and responsibilities under this order and under the Law Against Discrimination; and

14. That said Local Union 28 and said Committee shall, in writing, notify the General Counsel of the Commission at 270 Broadway, New York, New York, within sixty (60) days after the date of this order of the steps taken to comply therewith.

Dated: New York, New York
March 20, 1964

STATE COMMISSION FOR HUMAN RIGHTS

Bernard Katzen
S/ Bernard Katzen
Presiding Hearing Commissioner

Francis X. Glancione
S/ Francis X. Glancione
Hearing Commissioner

Ruperto Ruiz
S/ Ruperto Ruiz
Hearing Commissioner

Exh 55, STANDARD FORM OF
UNION AGREEMENT BETWEEN
LOCA28 AND THE CONTRACTORS
ASSOCIATION, EFFECTIVE AUGUST
31, 1973 THROUGH JUNE 30,
1975.

ARTICLE III

SECTION 1. The Union agrees to furnish at all times to the Employer, duly qualified journeymen sheet metal workers and registered apprentices in sufficient numbers as may be necessary to properly execute work contracted for by the Employer in the manner and under the conditions specified in this Agreement.

ARTICLE IV

SECTION 1. The Employer agrees to require membership in the Union as a condition of continued employment of all employees performing any of the work specified in ARTICLE I of this Agreement, within seven (7) days following the beginning of such employment, or the effective date of this Agreement, whichever is the later, provided the Employer has reasonable ground for believing that membership is available to such employees on the same terms and conditions generally applicable to other members and that membership is not denied or terminated for reasons other than the failure of the employee to tender the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership.

SECTION 2. If during the term of this Agreement the Labor-Management Relations Act of 1947, as amended, shall be amended by Congress in such manner as to reduce the time within which an employee may be required to acquire union membership, such reduced time limit shall become immediately effective instead of and without regard to the time limit specified in SECTION 1 of this Article.

SECTION 3. Employees hired outside of the territorial jurisdiction of the Union to perform work outside of said jurisdiction and within the jurisdiction of another local union of Sheet Metal Workers International Association shall be deemed to have complied with the provisions of this Article by acquiring and retaining membership in the said local union in whose jurisdiction such employee performs said work under

EX. 62

GOUT'S EX 4 Panelled
ME 12/10/72

1287

SHEET METAL WORKERS INTERNATIONAL ASSOCIATION LOCAL UNION # 28

QUALIFYING EXAMINATION

411

(Please print)

NAME MASTER SOCIAL SEC.# _____

STREET _____

CITY _____

LONGHAND SIGNATURE _____

INSTRUCTIONS: Answer all questions to the best of your ability. Place your answer in the space provided. Math work will be done on the back of the test sheet. NO QUESTIONS WILL BE ANSWERED AFTER THE TEST HAS BEGUN.

1. Balancing of air quantities is accomplished by adjusting the _____ in the system ductwork.

2. Name 10 different hand tools in a journeyman sheet metal workers tool box.

1 LEFT SHEAR 2 RIGHT SHEAR 3 BULLDOG SHEAR 4 SQUARE RIVET SET

5 HAMMER 6 SCREW DRIVER 7 PIN 8 WIRE GRIP

9 PLIERS 10 CHISEL 11 EULER, AWL, DOLLY, etc.

3. What is meant by the terms "O.D." and "I.D." # "O.D." OUTSIDE D.I.M.
I.D. INSIDE D.I.M.

4. Name 3 different methods used in flashing.

STEP COUNTER RIDGE, HIP

5. Vanes or duct turns are installed in ELBOWS.

6. LOUVERS are installed in fresh air intake ducts penetrating exterior building walls for weather protection.

7. Why are flexible connections installed at fan intakes and discharges connecting to ductwork? TO STOP VIBRATION

8. Drain pans, for condensation are installed under COOKING COILS.

9. Minimum-maximum automatic dampers are located in the FRESH AIR intake.

10. Name (5) different pieces of equipment installed in a large built up apparatus casing. FAN COOKING COIL HEATING COIL

FILTER RE-HEAT COIL DeHumidifier Exhaust Blower

11. Name (4) different discharge positions possible with a centrifugal fan.

DOWN BLAST UPBLAST TOP HOLE 45° UP 45° DOWN

12. A locking type regulating quadrant would be mounted on the outside of a duct to control a DAMPER.

13. When laying out a centered square to round, what is the least amount of the surface that must be developed? 1/8

14. What is the ratio of lead to tin in solder that is generally used? 50-50

15. What is used in "tinning" a soldering copper? SOLDER. SALAMONIC

16. How do you "cut" muriatic acid? ZINC

17. How is the thickness of copper designated? 025 PER SQ FT.
18. CFM is the abbreviation for CUBIC FEET PER MINUTE
19. Name (3) different types of dampers used in air conditioning duct work.
AUTOMATIC FIRE, FRICTION VOLUME OP-BLADE, MANUAL
20. "Spikes" and "ferrules" are used in hanging GUTTERS
21. Explain "plus" and "minus" dimensions used in hanging duct work.
PLUS - FROM FLOOR TO BOTTOM OF DUCT. MINUS - SLAB TO TOP OF DUCT
22. Name (5) different type slips used to connect rectangular duct work.
ANGLE DRIVE BAR 5" POCKET LOCK
23. What type connection could be used to field connect 10 gage black iron ducts? ANGLE IRON.
24. Name (3) different types of air distribution devices found in a large air conditioning installation. REGISTER, GRILL, DIFFUSER, TRANS, TRAP
25. Where would a gooseneck be installed? ROOF
26. How is a 24" by 24" duct riser supported in a 30" by 30" floor opening?
ANGLE SLEEPERS
27. What method of pattern development is used in laying out the following?
Round "T" joint PARALLEL funnel RADIAL
5pc. 90 deg. round elbow PARALLEL square to round TRIANGULATION
transition elbow TRIANGULATION
28. Cold air ducts of air conditioning systems which pass through WARM OR UNCONDITIONED AREAS are insulated to prevent condensation.
29. A sidewall mounted air outlet with a factory installed volume control is a REGISTER.
30. Noise generated in high-pressure high-velocity duct mains is reduced by SOUND TRAP
31. Separate lengths of spiral conduit are connected on the job by using COUPLING
32. An asbestos strip 8" wide and 64" long, with 2 - 1/8" band iron draw bands might be used as a FLEXIBLE connection for a 20" diameter kitchen exhaust blower.
33. The FUSABLE link holds the blade open on a fire damper.
34. A flat filter bank 5'-0" wide and 5'-0" high is erected with 20" by 20" by 2" filters. How many filters are required? 9
35. Provision for lateral movement of a boiler breeching is accomplished with the installation of EXPANSION joints.
36. A concrete curb is recommended where the apparatus casing joins the FLOOR.

37. Slips are secured to fabricated duct during shop assembly with a

BUTTON punch.

38. A portable rotary blower, manifold and manometer is often used for testing airtightness of a HIGH PRESSURE duct installation.

39. "K.D." is the abbreviation for KNOCKED DOWN.

40. When a clinch collar is cut into the duct main flat top, one side of the clinch is flattened to form a S-POCKET.

41. Flexible hose connections are secured to high pressure round collars with adjustable HOSE CLAMPS, BANDS.

42. The total pressure is the sum of the velocity pressure and the STATIC pressure.

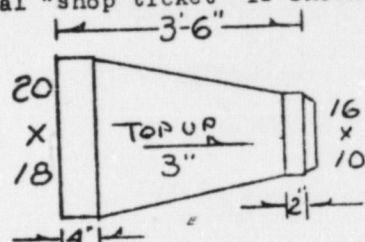
43. In developing triangulation patterns for sheet metal fittings the layout man may construct right triangles to establish the TRUE LENGTH of lines.

44. Moisture eliminators are installed down stream of the COIL.

45. Barometric dampers are commonly installed in BOILER BREACH OR FLUE.

46. Inertia blocks are sometimes installed under large FANS, MOTORS.

A typical "shop ticket" is shown below:



47. Referring to the "shop ticket" above- is the bottom going up or down?

BOTT - UP

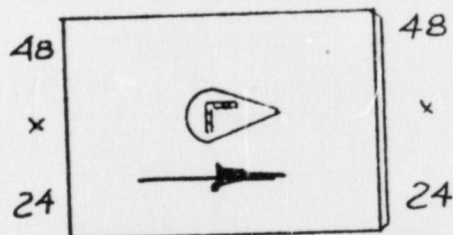
48. How much is it moving up or down?

UP - 11"

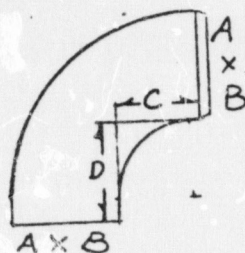
49. In what length is the change of shape taking place?

3'-0"

50. The following diagram shows a "tear drop" streamline installed around a piece of angle iron passing thru a duct. With an arrow denote the air flow.

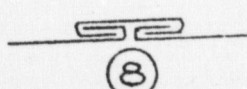
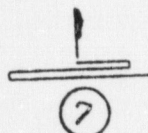
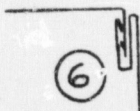
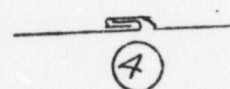
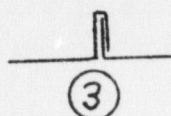
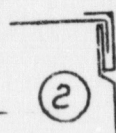
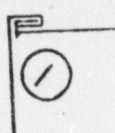


A typical "shop ticket" is shown below:



A 12
B 18
C 1 1/2
D 18

51. Enter these sizes alongside the proper letter on the right.
12" cheeks, 18" wrappers, 16" back of slip, 18" throat on raw end.
52. What is the maximum throat radius that may be used on the elbow shown?
16
53. What would the maximum heel radius be on same piece?
28
54. Allowing 1 1/2" for slip end and 1/4" for single edge, what would the overall blank size of this elbow be?
29 3/4 x 30 1/4
55. Using the maximum throat radius what would the stretch out of the throat be? (allowing 1 1/2" for slip, end)
28 5/8 +- 1/16



56. Place the number of the seam or connection next to its proper title.
- | | |
|----------------------|--------------------------|
| BAR SLIP <u>7</u> | PITTSBURGH SEAM <u>2</u> |
| GROOVE SEAM <u>4</u> | STANDING SEAM <u>3</u> |
| SNAP LOCK <u>6</u> | DOUBLE SEAM <u>1</u> |
| DRIVE SLIP <u>8</u> | S-SLIP <u>5</u> |

57. A 48" long straight joint of # 10 gage black iron 2 1/2" in diameter is formed on a POWER ROLLER.

58. A "gooseneck" die is used in a BRAKE.

59. Name three types of "roll forming" machines used in the modern sheet metal plant. PITTS, CLINCH, S-SLIP, DRIVES BAR-SLIP

60. The welding tips of a spot welder are made of COPPER.

61. One of the advantages of the Heli-arc welding process is the elimination of SLAG.

62. The welding tip of a heli-arc welding apparatus is made of TUNGSTEN.

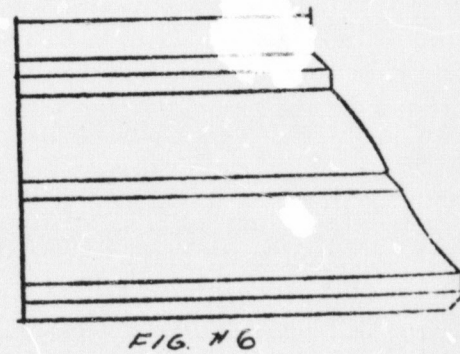
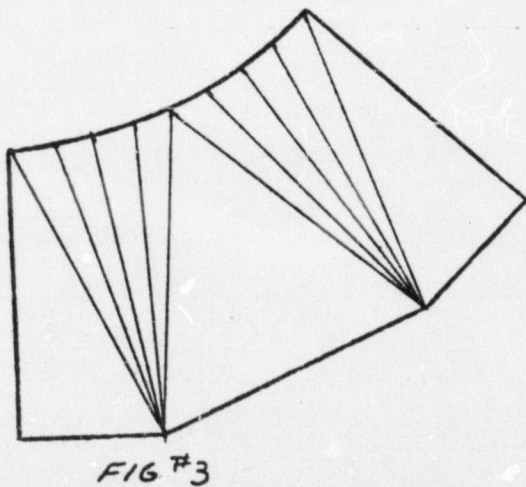
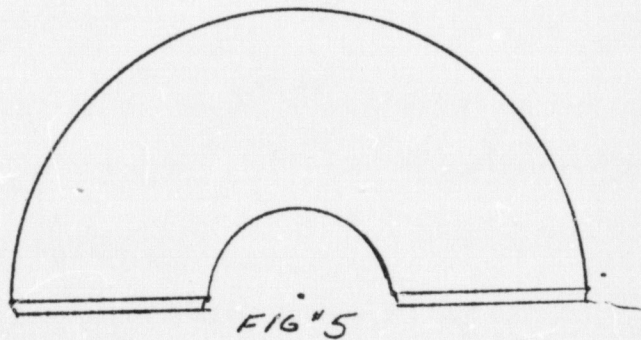
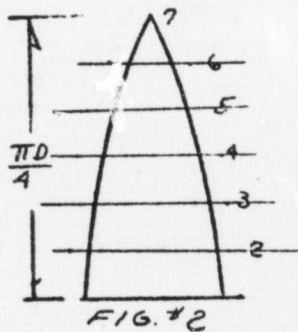
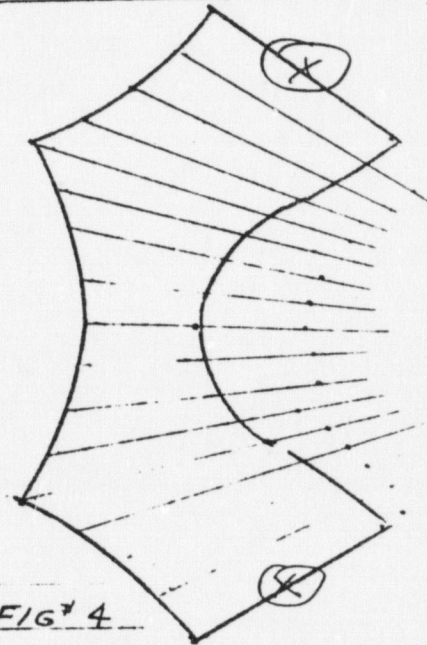
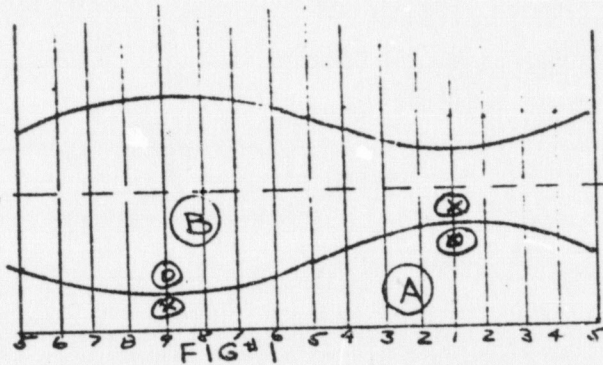
63. What is the purpose of an attenuation box in a high pressure system?

REDUCE PRESSURE

64. A double inlet fan is generally enclosed in a CASING, HOUSING, or Aenum chamber.

65. A Vortex damper is located at the INTAKE of a centrifugal fan.

66. A shop fabricated volume control with spring clips to hold it in a set position is a FRICTION DAMPER.



The following questions refer to the patterns shown on the previous page.

67. These 6 figures represent pattern develop of the following:

Square to round	<u>3</u>
Round pipe "Y" branch	<u>4</u>
Funnel	<u>5</u>
Square return cornice	<u>6</u>
3 piece elbow	<u>1</u>
Sphere	<u>2</u>

68. In the trade, pattern B is called a Fish type pattern.

69. With an X indicate the match lines on patterns A & B on fig. 1.

70. Figure 3 shows a $1/4$ pattern, $1/2$ pattern, $3/4$ pattern, full pattern
(circle your choice)

71. Figure 4 shows a $1/4$ pattern, $1/2$ pattern, $3/4$ pattern, full pattern.

72. Figure 5 shows a $1/4$ pattern, $1/2$ pattern, $3/4$ pattern, full pattern.

73. Indicate where longitudinal seam occurs on fig #4.

MATH

74. What is the stretch-out of a 12" diameter pipe, allowing $3/4$ " for seam?
 $38\frac{7}{8}$ or $38\frac{7}{16}$

75. What is the perimeter of a duct measuring $7\frac{3}{4}$ " by $8\frac{1}{4}$ "? 32"

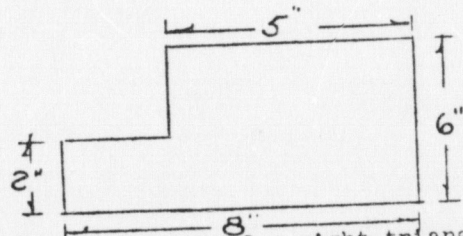
76. The scale 3" to the foot is the same as the ratio of 1 to 4

77. How many degrees are there in $1/9$ th of a circle? 40°

78. What is the area in square inches of a 12" diameter circle? 113 sq in

79. What is the hypotenuse of a right triangle with a base of 16" and an altitude of 12"? 20"

80. What is the area in square inches of the piece of sheet metal shown on the right? 36



81. The number of degrees for the sum of the acute angles of a right triangle equals 90°

82. Eight inches converted to a decimal of a foot is .666

83. The product of 14.035 and 8.72 to three decimal places equals 122.385

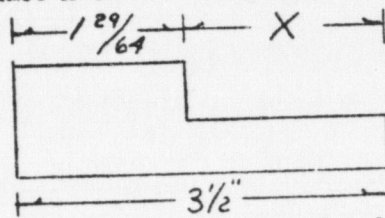
84. The quotient of 104 divided by 14.6 to two decimal places is 7.12

85. A rectangular duct 10" deep is equal in area to a 16" diameter duct, the width of this duct is 20" (201 sq in)

86. How many pieces of angle iron $3\frac{7}{16}$ " long can be saw cut from a 30" length? (the saw blade is $1/16$ " thick) 8

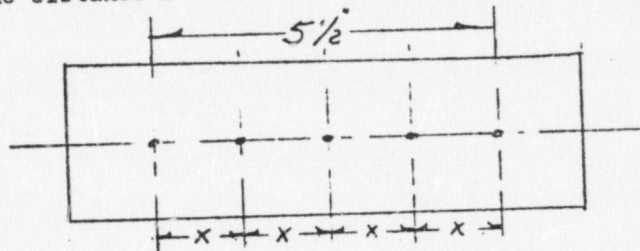
87. Multiply 1.1 by .11 .121

88. Compute the distance X on the drawing below.



$$X \ 2 \frac{3}{64}$$

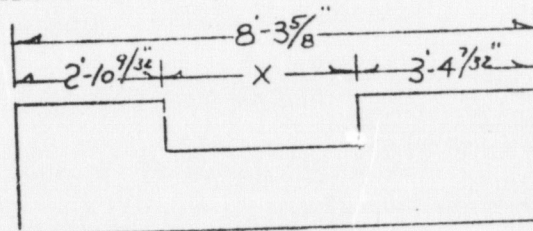
89. Find the distance X center to center of holes on the drawing below.



$$X \ 1.325$$

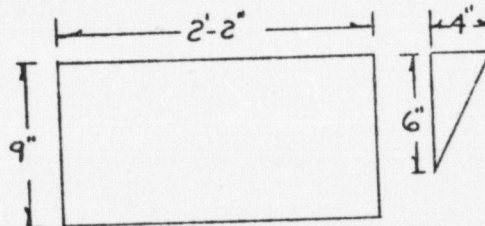
$$1 \frac{3}{8}$$

90. Compute the X dimension on the drawing below.



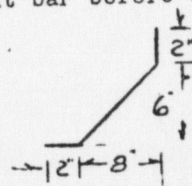
$$X \ 2' - 1 \frac{1}{8}''$$

91. What is the maximum number of triangular pieces which can be cut from a rectangular sheet as shown below?

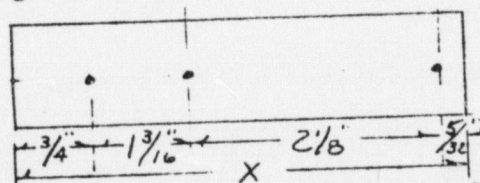


$$16$$

92. What is the length of the flat bar before bending as shown in the figure below?



93. Compute the length X of the metal plate shown below.



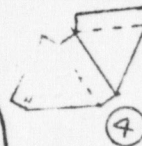
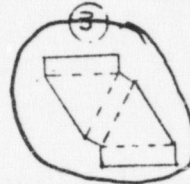
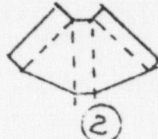
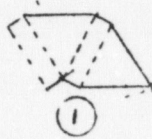
$$X \ 4 \frac{7}{32}$$

94. Compute the distance X from center to center of the two holes shown below



$$X \ 10$$

95. Which of the flat sheet metal patterns can be bent along the dotted lines to form the completely closed triangular box? (circle your choice)



Read the following and encircle one of the words "true" or "false" which is correct for its respective statement.

96. Acoustic lining is wrapped on the outside of the ductwork after installation is complete. TRUE FALSE
97. Copper should be isolated from direct contact with galv. iron to avoid corrosive action of dissimilar metals. TRUE FALSE
98. A rivet set would be useful in installation of "pop rivets". TRUE FALSE
99. S-slips would normally be used to join ducts 48 by 48 and over. TRUE FALSE
100. Bulldog shears are good for cutting 3/16" angle iron. TRUE FALSE
101. When soldering vertical seams, a soldering iron should be "tinned" on one side only. TRUE FALSE
102. A 1/2" lapped seam of galvanized steel can be "sweat-soldered" without pre-tinning the laps of the seam. TRUE FALSE
103. A convenient flux for soldering copper seams is made by "cutting" muriatic acid with lead chips. TRUE FALSE
104. A "bar folder" is used to bend flat bar, or angle iron. TRUE FALSE
105. A "turning machine" is convenient for turning over heavy duct fittings during shop assembly. TRUE FALSE
106. A "groove" seam is used when flush transverse connections are specified for 10 gage ducts. TRUE FALSE
107. A "drive slip" is used to force difficult joint connections of round ducts into position. TRUE FALSE
108. "safing" is installed to blank off air passages around cooling or heating coils. TRUE FALSE
109. Concrete nails or expansion shields are used to hang ducts from bar joists. TRUE FALSE
110. The use of standard rolling scaffolding would speed installation of ductwork in a hung ceiling. TRUE FALSE

111. A rectangular duct offset with equal dimensions on each end has "wrappers" of equal length. ☒ TRUE ☐ FALSE
112. Increasing the aspect ratio of ductwork adds to both fabrication and erection costs. ☒ TRUE ☐ FALSE
113. Segments of 5 piece 90 degree elbows and 3 piece 45 degree elbows have miter lines of equivalent rise. ☒ TRUE ☐ FALSE
114. "Pittsburg" seams are formed on "wrappers" after the metal is shaped to the fitting contour. TRUE ☒ FALSE
115. Twenty gage black iron is twice as heavy as ten gage black iron. TRUE ☒ FALSE
116. Carbon arc welded seams have much greater strength than those welded by direct electric rods. TRUE ☒ FALSE
117. For identical black iron seams, greater amperage is required to weld 16 gage than to weld 10 gage. TRUE ☒ FALSE
118. Welding galvanized steel is a greater health hazard than welding black iron. ☒ TRUE ☐ FALSE
119. Heliarc welding methods are often used for welding aluminum and stainless steel. ☒ TRUE ☐ FALSE
120. Electric welding is often used to join seams of heavy copper ducts. TRUE ☒ FALSE

Ex. 64

1296

JOURNEYMAN TEST - NOVEMBER 2, 1968
NEW YORK HILTON HOTEL

COUT'S EX 2 found

12/10/72

TALLY
SHEET
FOR
1968 TEST

	A	*B	*C	D	E	F
Robert R. Adamczyk	433	159	42	143		
Edward Ahrens	131					
Robert R. Aigner	290	138	93	2	67	23
Aldo P. Albanesi	299	188	45	128		
Walter F. Albert	15	309	1	310		
James J. Alioto	18	163	46	123		
William J. Almaso	262	228	32	194		
Sam Alvino	127	55	0	310		
William Appelt	119	126	38	165		
David Arbital	139	155	50	63		
John Arcieri	100	50	26	228		
Gerald Archibald	197	95	47	120		
John F. Arena	353					
Stephen Arena	184	232	22	250		
James J. Aspenleher	209	53	0	319		
Donald J. Ayello	271					
Kenneth L. Bailey	70					
Jerry C. Backertcy	51	301	24	239		
Edward Barbara	145	51	8	290		
Thomas E. Barber	377					
Daniel Barbieri	403					
Eugene Barbieri, Jr.	390	104	72	23	88	12
Gerald Barret	427	123	46	123		
Robert G. Barry	5	74	34	178		
Rubin Baslow	31					
Robert Bayless	132					
Geo. P. Belfrey	248	152	59	63		
Philip M. Bellantoni	21	116	49	113		
James Belluzzi	440	92	36	172		
James L. Benbury	350					
David Berkowitz	78					
Sam Bernstein	258	184	41	144		
Jaime Ritten	264					
Francis X. Blake	457					
Alan Blonder	462	133	13	203		
Lawrence A. Bonbue	273	82	62	49		
John E. Booth	25					
Robert G. Bowers	369	105	25	232		
Alphonso Boxzone	136	47	8	290		
Peter P. Bradley	324	122	25	232		

REG. MAIL #

TEST #

PERCENT ON WRITTEN

RANK ON WRITTEN

PERCENT ON PRACTICAL

RANK ON PRACTICAL

2

IL

172
19
11-54000
8-100 54000

	A	B	C	D	E	F
John Brodie	20	57	18	265		
William M. Brogan	352					
Eugene Broglie	142					
Charlie M. Brown	320	225	45	148		
Raymond H. Brown	214	9	40	148		
Geo. P. Buday	213					
Frederick H. Buschman	434					
Joseph R. Buttufuoco	401					
Joseph E. Bryne, Jr.	228	248	34	178		
Benedick Caccavale	41	215	15	275		
Vito A. Calise	270	83	1	310		
John J. Calimano	430					
Hyppolite, Cameleau	322	84	34	178		
James J. Campbell	37	153	49	148		
Angelo J. Candiano	153					
Salvatore Cangelosi	456	20	61	54		
Michael J. Cannon	295	298	70	26	81	16
Frank Capello	194					
Thomas P. Capello	272					
Leonard J. Caputo	163	176	18	265		
Anthony Carcich	144					
Thomas A. Carlson	199	46	29	209		
Elmer C. Carlson	450	99	56	79		
Charles F. Carroll	354					
Salvatore Carvelli	260	317	49	113		
Ambrose P. Casey	88	248	56	79		
Ralph Castellano	154					
Joseph M. Chabowski	285	59	27	223		
William Cherkis	360	212	39	159		
Vito Giamarrusco	92	167	14	276		
Dominick Checchillo	304	189	29	209		
Herman Clement	80	28	47	148		
Charles Cocozza	42	17	59	63		
Alfred A. Cole	177	76	34	178		
John Collins	35	321	0	318		
Donald J. Colwell	453	194	1	310		
Albert Conn	331	5	26	232		
Richard Conti	102	68	4	301		
Robert S. Cope	106	211	23	245		
Willie Cooper	191	6	17	271		

REG. MAIL

TEST

ON WRITTEN

ON WRITTEN

ON PRACTICAL

ON PRACTICAL

JOURNEYMAN TEST - NOVEMBER 2, 1968
NEW YORK HILTON HOTEL

1298

2.

	A	*B*	*C*	D	E	F
Francesco Corazza	463	281	43	139		
Maurice F. Corkory	306	327	31	201		
Philip Costa	107	286	0	217		
Angus Craig	75	206	65	36	98	4
Anthony Cuebas	302	125	76	14	91	7
Leonard M. Cummings	26					
Michael W. Curry	256	243	5	300		
Herbert F. Curth	49	111	61	54		
Paul Cuva	408					
Richard D'Ambrosio	266					
Frank D'Ambrosio	267					
Melichore D'Angelo	167					
Bob Dannenbert	312	208	39	159		
Albert D'Annigale	265	247	24	239		
Gerald Dach	392	87	67	33	0	-
Edgar P. Davis	296	191	32	194		
Vincent DeCogliano	327	63	27	223		
Frank V. Dellicurci	383					
Anthony D'Onofrio	87	226	22	250		
Tyrone A. Dancy	57	10	20	255		
Frank Davanzo	6	14	65	36	70	21
Richard C. Davidson	46					
Richard A. Delhen	76					
Vincent DeLuca	423	300	19	262		
Charles DeLuca, Jr.	90	254	10	289		
Louis DeMartini	17	146	87	3	100	1
John DeVito	11	261	7	294		
Frank DiBlasi	189	263	37	168		
Patsy D. Dilla	409					
Patrick Millworth, Jr.	99	143	56	79		
Vito DiPinto	8	193	4	301		
Charles G. Dipple	205					
James Dixon	12	274	0	316		
William Donnelly	185	180	64	39	0	1
John Dougherty	202					
Matthew J. Downey, Jr.	130					
Daniel C. Doyle	140	296	32	194		
Donald Dundon	444	164	54	88		
Ira W. Dyckes	318	112	62	49		
Vincent M. Earley	120					

REG. MAIL #

TEST #

% ON WRITTEN

RANK ON WRITTEN

% ON PRACTICAL

RANK ON PRACTICAL

Peter J. Egan	54					
Jack Michberger	55	101	40	148		
Joseph Erciko	382	102	18	265		
Robert W. Evans	204	324	30	207		
Allan Fanelli	180	0	0	321		
John A. Fanelli	181	177	2	97		
Anthony Farriella	73					
Walter Fass	400	039	0	322		
Roger J. Feeney, Jr.	63					
Leo Feinberg	96					
Robert J. Fellman	157	225	25	232		
Sam Felsen	424					
Norman R. Felts	190					
Martin Festinger	147					
Paul M. Fibradio	255	144	45	128		
Henry J. Filippone	230	231	61	47		
Vincent Fink	210	148	48	148		
Seymour Fischer	175	170	43	139		
Leroy Floyd	58	242	35	175		
James P. Foley	33					
James R. Ford	224	043	75	15	80	17
Russell M. Ford	356					
Edward J. Fox	203	093	12	285		
Hugh C. Fox	198	029	64	39	07	
Henry L. Fraser	13	257	62	45		
Nathan Frisch	269	227	0	323		
Dennis R. Furman	67	158	87	3	35	
Gerhard Gabrielsen	454	096	75	15	75	19
John Gallo	418					
James C. Gardiner	233					
Robert Garrity	150	070	52	97		
Emil Gatto	317	267	34	178		
Andrew J. Cattuso	7					
William F. Gavin	245					
Ralph Gavorsky	239	110	39	159		
Lawrence Gelsordino	378	177	22	250		
Patty Genovese	125	192	04	301		
George H. Gernon, Jr.	215					
Charles W. Gillman	345	169	31	201		
Brian Gilmurray	381	314	54	88		

REG. MAIL #

TEST #

OF ON WRITTEN

RANK ON WRITTEN

OF ON PRACTICAL

RANK ON PRACTICAL

JOURNEYMAN TEST - NOVEMBER 2, 1968
NEW YORK HILTON HOTEL

1300

	A	*B	*C	D	E	F
	253	182	87	5	72	20
Martin O. Glenn	231	234	43	148		
Robert Goldberg	414	160	51	103		
Stanley J. Goldberg	421	001	57	75		
+ Joseph T. Gonzales	431	103	52	97		
John R. Goodheart	283	077	56	79		
Robert H. Gould, Jr.	336	213	29	209		
Robert Graftor	212	328	29	209		
William R. Grahame	464	329	35	175		
Frank T. Grande	284	097	12	285		
Gary Grande	94	132	63	25		
Lynn E. Grandstaff	133	303	24	239		
William Green	373					
Edward Greenberg	341	198	26	232		
Robert Greenstein	24	115	62	49		
Kenneth J. Greenwald	348	140	53	94		
Richard J. Greer	398					
Salvatore J. Guarnaccio	84	135	25	232		
James P. Guerin	122	056	05	299		
Thomas J. Halpin	435	107	62	49		
Arthur W. Hammer	391	174	44	133		
Charles Hammer	62	325	00	324		
Donald V. Hansen	195					
Wilford A. Hansen	366	165	41	144		
Gerald Harbatkin	39	008	54	88		
Frederick M. Harland	436	314	17	271		
Harold Harris	410	308	20	255		
Roosevelt Harrison	339	307	39	159		
Robert F. Hartnett	64	25	38	165		
Ronald M. Hefty	432	276	67	31	0	-
Philip A. Heilig	357					
Dennis R. Hicks	193	033	57	75		
Frederick Hiscok, Jr.	53					
Isidore Horning	237	157	29	209		
Daniel Horowitz	281	259	31	201		
James J. Howard	112					
Stephen J. Howard	355	207	04	301		
Ronald J. Howard	141	271	29	209		
George Howe	330	048	25	232		
Henry Huether	250	245	44	133		
Charles Ingrascia						

REG. MAIL #

TEST #

JOHN WRITTEN

RANK WRITTEN

JOHN PRACTICAL

RANK ON PRACTICAL

	A	B	C	D	E	F
Leonard L. Italiano	178	091	82	9	38	
Robert Jackson	437					
Robert S. Jonas	286	251	33	191		
Jerry L. Jones	302	313	21	257		
Robert R. Jordan	447	156	45	128		
Andre Kaas	448	201	14	276		
Roy Kasenchak	40					
Bernard Keolen	221	061	46	123		
Francis W. Keor	397	147	14	276		
Thomas Keir	126					
Francis M. Kelleher	134					
Louis J. Keller	129					
Michael J. Kelly	455	229	74	17	07	
Richard J. Kelly	289	166	32	194		
Joseph Kemp	279	052	50	108		
James J. Kennedy	238					
Joseph Korstin	128	007	67	33	13	
Paul Kissel	422	100	23	245		
Joseph M. Klun	426	210	24	239		
Manfred Knocell	449	034	58	72		
Richard M. Kobos	162					
George Koechler	115	289	61	54		
Joseph F. Koidl	36	90	60	62		
Harold Korff	66	203	51	103		
A. Koriath	117					
Chris Koulis	415	041	34	178		
Edward G. Kralick	252	241	50	108		
Ronald S. Kroe	374	222	34	178		
Harry Kroener	74	16	20	255		
Oresti Kryzanowsky	385	252	39	159		
Eugene Kubat	223	279	72	23		
Frederick Kuhn	308					
Edward R. Kwiatkowski	368	128	31	201		
Karl H. Kwnzner	79	172	02	306		
Murray A. Landau	291	035	70	26	625	
Albert A. Landi	416					
Gerald G. Langone, Jr.	165					
Dorando LaPenna	405	11	29	209		
William Lardaro	47	288	43	139		
Jerome Lavenia	384					

1301

REG. MAIL #

TEST #

% ON WRITTEN

RANK ON WRITTEN

% ON PRACTICAL

RANK ON PRACTICAL

JOURNEYMAN TEST - NOVEMBER 2, 1968
NEW YORK HILTON HOTEL

1302

	A	B*	C	D	E	F
Hugh Leahy	394	731	64	39	79	18
Gerald A. Lee	91	37	31	201		
Robert J. Lee	278	130	53	94		
Thomas E. Lehne	65	32	27	223		
Joseph M. Lemanowicz	225	73	55	85		
John Lemmo	346			54		
Robert J. Lemmo	34	223	61	54	100	
Leo Leonelli	14	118	77	12		
Allen Leslie	458					
George Lessel	294	19	27	223		
Walter Lessman	425	204	0	325		
Philip Leventhal	159					
Peter Licomitos	244					
Simon Liebman	313					
Kenneth Lipka	305					
Samuel Lipman	389	58	20	255		
Peter Loomis	156					
William Loughlin	82					
Thomas Lovitto, Jr.	438	141	34	178		
Charles Lucas	124					
Eugene S. Luppino	372					
Joseph Lupo	300					
Theodore Luszcz, Jr.	169	273	61	54		
Charles McAloney	105	80	25	232		
Patrick McCandless	446	098	73	21	90	9
Peter McCann	208					
Robert X. McCarthy	148					
Timothy McCarthy	428					
Thomas F. McCormick	111					
Frank J. McDonagh	103	075	44	133		
Thomas F. McDonough	3	291	59	63		
Edward B. McGuire	104	232	79	11	80	12
John McGuire	109					
Thomas C. McNellis	314					
Peter V. McPartland	442	280	44	133		
Joseph Macchio	276					
Charles T. Mahoney		181	01	310		
John F. Mahoney	459					
Bernard Makowski	101	117	28	220		
Angelo D. Manzo	135	30	2	310		

REG. MAIL #
TEST #
% ON WRITTEN
RANK ON WRITTEN
% ON PRACTICAL
RANK ON PRACTICAL

4L

JOURNEYMAN TEST - NOVEMBER 2, 1968
NEW YORK HILTON HOTEL

1303

	A	B*	C	D	E	F
John Leahy	394	131	64	39	79	18
Ronald A. Lee	91	37	31	201		
Bert J. Lee	278	130	53	94		
Thomas E. Lehner	65	32	27	223		
Joseph M. Lemanowicz	225	73	55	85		
John Lemmo	346					
Bert J. Lemmo	34	223	61	54		
Leo Leonelli	14	118	77	12	100	
Allen Leslie	458					
George Lissel	294	19	27	223		
Alfred Lissman	425	204	0	325		
Philip Laventhal	159					
Peter Licomitos	244					
Simon Liebman	313					
Kenneth Lipka	305					
Samuel Lipman	389	58	20	255		
Peter Loomis	156					
William Loughlin	82					
Thomas Lovitto, Jr.	438	141	34	178		
Charles Lucas	124					
Eugene S. Luppino	372					
Joseph Lupo	300					
Theodore Luszcz, Jr.	169	273	61	54		
Charles McAloney	105	80	25	232		
Patrick McCandless	446	098	73	21	90	9
Peter McCann	208					
Robert X. McCarthy	148					
Timothy McCarthy	428					
Thomas F. McCormick	111					
Frank J. McDonagh	103	075	44	133		
Thomas F. McDonough	3	291	59	63		
Edward B. McGuire	104	232	79	11	00	12
John McGuire	349					
Thomas C. McNellis	314					
Peter V. McPartland	442	280	44	133		
Joseph Macchio	276					
Charles T. Mahoney	52	181	01	310		
John F. Mahoney	459					
Bernard Makowski	101	117	23	220		
Angelo D. Manzo	135	30	2	310		
	REG. MAIL #	TEST #	20 ON WRITTEN	RANK ON WRITTEN	20 ON PRACTICAL	RANK ON PRACTICAL

JOURNEYMAN'S TEST - NOVEMBER 2, 1968
NEW YORK HILTON HOTEL

5.

1304

	A	B*	C	D	E	F
Michael D. O'Sullivan	38	155	45	128		
Harvey Odze	393					
Leonard J. Olbrantz	363					
John W. Olivera, Jr.	174	179	29	209		
John P. Olsen	395	304	59	63		
William E. Olsen	200	106	49	113		
Jack Oventhal	351	283	64	39	0	-
Anthony Pagano	376					
Donald E. Palm	19	185	34	178		
Amerigo C. Palmieri	48	214	25	232		
Paul M. Pansa	143	121	32	194		
Victor Parisi	298	240	28	220		
Alex Paskowitz	288	94	68	29	90	9
John T. Passalacqua	362	338	27	223		
Robert J. Passalacqua	359					
Max Passik	30	282	51	103		
Robert S. Pawlowski	81	330	33	191		
Robert B. Peck	342					
Paul F. Pollino	114	316	14	276		
Paul Perricone	118					
Eugene P. Pisagallo ^{PIRRAGLIA}	319	294	17	271		
Sidney D. Pinsky	307	67	34	178		
George Pinto	23					
Martin Pizzariello	116	187	52	97		
Murray Plutchok	309	278	83	7	90	9
Harry Rogut	337	127	57	75		
Michael Policastro	89	264	47	148		
Charles Polizzoto	137	322	46	123		
Salvatore Polizzoto	138	306	37	168		
Robert A. Pope	141	253	48	118		
John Prizzi	293	86	62	49		
Emil Pulicicchio	323					
+ Samuel Ramon	246	102	44	133		
Martin P. Rasmussen	367	200	56	79		
Albert Rathje	16	145	61	54		
Donald J. Rebori	85	302	21	251		
David E. Reed	77	171	70	26	87	14
John D. Reese	361	202	23	245		
Walter E. Reilly	155	109	24	239		
James H. Reynolds	192					

REG. MAIL #

TEST #

2 ON WRITTEN

RANK ON WRITTEN

2 ON PRACTICAL

RANK ON PRACTICAL

	A	B	C	D	E	F
John J. Ribando	297	114	20	255		
Frederick J. Ringnell	370					
Anthony E. Robbins	59					
Manuel A. Rodal	413					
Victor G. Roger	27	13	8	290		
Anthony Romano	404	217	14	276		
Sam Rosenberg	445					
Domenic P. Rossi	220	31	0	328		
Thomas Roth	182	173	58	72		
Harry Rubin	468	65	82	9	100	1
John Russo	234	22	59	63		
Victor Russo	311	230	41	144		
Daniel J. Ryan	347					
James J. Ryan, Jr.	316					
Robert Ryan	217					
Anthony Sabato	69	258	23	245		
Victor Salanitri	274	220	31	201		
Fred Saraceno	29	200	19	262		
John Scarano	451	237	29	209		
Edward Scarlino	146	154	73	19	100	1
Richard Scelso	452	23	51	103		
Gerard V. Schaefer	216	205	55	85		
John D. Schaffner	328	54	2	306		
Roger J. Schehr	301	224	18	265		
George F. Schmaeling	108					
JOHN Robert Schmidt	315	311	47	120		
Irving Schneidorman	247	260	12	285		
Ronald Schor	72	15	74	18	83	15
Norman J. Schultheiss	439	139	59	63		
Paul J. Schultz	109	060	59	63		
Carlo Sciortino, Jr.	166	40	40	148		
Frank Sciafani	188	233	49	113		
Willie Scott	344	2	37	168		
Roger Seaman	249	64	44	133		
Arthur W. Seneck	171	272	84	6		
William Servidio	179	276	35	125		
Houben Shapiro	240	175	63	45		
Timothy F. Sheehan	83	89	68	29		
Thomas G. Sheehan	243					
William Sieling	211					
			5			

1305

REG. MAIL #

TEST #

% ON WRITTEN

RANK ON WRITTEN

% ON PRACTICAL

RANK ON PRACTICAL

JOURNEYMANS TEST - NOVEMBER 2, 1968
NEW YORK HILTON HOTEL

6.

1306

	A	R	E	D	E	F
Peter C. Simone	226					
Robert Simone	340					
George T. Shaw	358	161	47	120		
Joseph A. Sherman	335	137	53	94		
John G. Skiffington	292	183	07	294		
Cleo Smalley	280	310	21	251		
Raymond A. Smith	207					
Edmund F. Sowers	2					
Anthony Spadafina	123	030	07	294		
Robert Spampinato	282	078	37	168		
Peter Spataro	50	027	14	276		
Hyman Sperling	386	134	52	97		
Sidney Spiegel	44	262	00	315		
Joseph H. Spree an	387	235	49	113		
James M. Stafford	399	168	30	207		
Richard Stalter	375	190	16	274		
Charles J. Stange	232					
John J. Stapleton	95	290	03	306		
Francis J. Steadman	236	312	12	285		
Albert Stephan	71	024	65	36	55	
Raymond J. Stewart	287					
John H. Stock	161	113	50	108		
Albert Storm	443	062	19	262		
Robert H. Strunk	68					
Robert Struzzi	334					
Bernard J. Sullivan	176	246	21	251		
Gerald J. Sullivan	277	239	36	172		
John R. Taglioni	379	124	00	327		
Gary Taran	45					
Leonard Tataracy	97	049	64	39	DISQ (AGE)	
Morris Thaw	56	042	55	85		
Robert F. Thoma	333	149	36	172		
John D. Timmerman	173					
Joseph Tomanelli	407	297	66	35	16	
Frank Tornese	152	218	41	144		
Vincenzo A. Tortora	364					
Richard Tracy	170	244	32	194		
Gergus L. Travers	242	197	77	12	0	
Thomas V. Trummer	460	81	23	19	11	
Thomas Van Allen	32	269	44	133		

REG. MAIL #

TEST #

PERCENT ON WRITTEN

RANK ON WRITTEN

% ON PRACTICAL

RANK ON PRACTICAL

	A	B	C	D	E	F
Vincent Uitto	388	044	43	118		
Harry Ursick	329	178	83	7	95	5
Anthony J. Vinciguerra	371					
Michael Vrba	149	275	59	63		
Donald Walker	222					
Curtis Walters	98	250	23	245		
Charles Warren	467	150	58	72		
Frederick Weber	275	199	46	123		
Norman D. Webster	310	323	34	178		
John L. Wegener	186	072	99	1	91	7
Lewis Weinberger	420	085	52	97		
David Wesley	411					
James Williamson	160					
Farrell J. Wilmoth	261	313	54	88		
Eugene Wilmoth	259	285	57	25		
Charles J. Wittmer, Jr.	110	120	14	276		
Richard A. Wohrmann	419	021	24	239		
Bernard Wolchan	201	018	08	290		
Henry Wood	321					
Ronald A. Wright	65	186	34	178		
Daniel Yaccobellis	22	129	18	265		
Andrew M. Yager	417	004	45	128		
Norman J. Yeshion	429	079	50	108		
Robert M. York	263	108	00	226		
Arthur Zeiger	164	326	04	301		
Alex Zelkowsky	227					
Frank J. Zeukas	325	284	54	88		
Robert M. Kenney	469	249	64	44	31	
Michael D. Miele	257	142	54	88		

1307

140

469

29

REG. MAIL #

TEST #

PERCENT ON WRITTEN

RANK IN GROUP ON WRITTEN

PERCENT ON PRACTICAL

RANK IN GROUP ON PRACTICAL

Ex. 67
1969 Test w/ Answers

Ref's ex 19 ed.
2012/19/72
1308

SHEET METAL WORKERS INTERNATIONAL ASSOCIATION LOCAL UNION #28

QUALIFYING EXAMINATION

(Please print)

NAME

MASTER

STREET

SOCIAL SEC.#

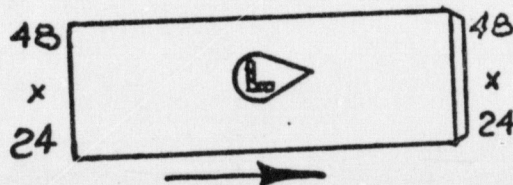
CITY

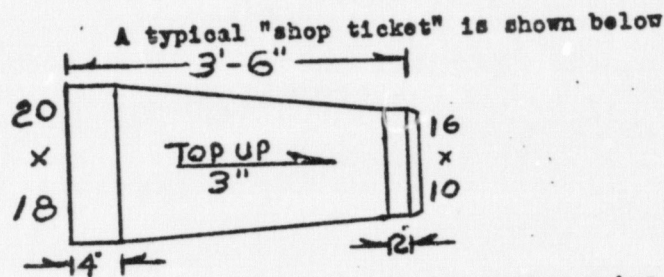
LONGHAND SIGNATURE

INSTRUCTIONS: ANSWER ALL QUESTIONS TO THE BEST OF YOUR ABILITY. PLACE YOUR ANSWER IN THE SPACE PROVIDED. MATH WORK WILL BE DONE ON THE BACK OF THE TEST SHEET. NO QUESTIONS WILL BE ANSWERED AFTER THE TEST HAS BEGUN.

1. Name 8 different hand tools in a journeyman sheet metal worker's tool box.
LEFT & RIGHT
BULL 1 SHEAR 2 HAMMER 3 VISE GRIP 4 SCREW DRIVER
5 PIN 6 RIVET SET 7 DOLLY BAR 8 CHISEL, PLUNES
2. What is meant by the terms "O.D." and "I.D." O.D. OUTSIDE DIM.
I.D. INSIDE DIM.
3. Vanes or duct turns are installed in ELBOWS
4. Why are flexible connections installed at fan intakes and discharges connecting to ductwork TO STOP VIBRATION
5. The purpose of cross-braking is STIFFEN
6. Round holes in light gage metal are generally cut with a AVATION shear.
7. Dressing a single edge seam is done with a hammer or mallet and a DOLLY BAR.
8. 10 OR 11 Gage black iron is approximately 1/8 inch thick.
9. CFM is the abbreviation for CUBIC FEET PER MINUTE
10. Name 3 different type slips used to connect rectangular duct work.
S-SLIP, BAR-SLIP, ANGLE SLIP, DRIVE SLIP, BOX LOCK
11. What type connection could be used to field connect 10 gage black iron ducts? ANGLE IRON
12. How is a 24" by 24" duct riser supported in a 30" by 30" floor opening?
ANGLE SLEEPERS
13. The FUSABLE link holds the blade open in a fire damper.
14. A flat filter bank 5'-0" wide and 5'-0" high is erected with 20" by 20" by 2" filters. How many filters are required? 9
15. Slips are secured to fabricated duct during shop assembly with a BUTTON punch.
16. "K.D." is the abbreviation for "KNOCKED DOWN"
OR SNIP FLAT

17. Flexible hose connections are secured to high pressure round collars with adjustable CLAMPS
18. A 48" long straight joint of #10 gage black iron 24" in diameter is formed on a POWER ROLLER
19. A "gooseneck" die is used in a BRAKE
20. The welding tips of a spot welder are made of COPPER
21. The pivot point of a splitter damper is located AT ONE END
22. Soldering irons are made of COPPER
23. Name a type of roof flashing COUNTER, SADDLE, STEP, COMP. RIDGE, HIP
24. What is the ratio of lead to tin in solder that is generally used 50-50
25. What is used in "tinning" a soldering copper? SOLDER & SAL. AMONIAL
26. How do you "cut" muriatic acid? ZINC
27. A locking type regulating quadrant would be mounted on the outside of a duct to control a DAMPER
28. How is the thickness of copper designated? 025 PER SQ FOOT
29. Name (2) different pieces of equipment installed in a large built up apparatus casing FILTER, HEAT COIL, COOLING COIL,
30. Where would a gooseneck be installed? 1200F
- What method of pattern development is used in laying out the following?
31. Round "T" joint PARALLEL-LINE
32. Funnel RADIAL-LINE
33. 5pc. 90 deg. round elbow PARALLEL-LINE
34. square to round TRIANGULATION
35. transition elbow TRIANGULATION
36. Cold air ducts of air conditioning systems which pass through WARM AREAS are insulated to prevent condensation. UNCONDITIONED AREAS
37. An asbestos strip 8" wide and 64" long, with 2 - 1/8" band iron draw bands might be used as a FLEXIBLE connection for a 20" diameter kitchen exhaust blower.
38. In developing triangulation patterns for sheet metal fittings the layout man may construct right triangles to establish the TRUE LENGTH of lines.
39. The following diagram shows a "tear drop" streamline installed around a piece of angle iron passing thru a duct. With an arrow denote the air flow.





40. Referring to the "shop ticket" above- is the bottom going up or down? BOT - UP

41. How much is it moving up or down? UP 11"

42. In what length is the change of shape taking place? 3'-0"

Another typical "shop ticket" is shown below

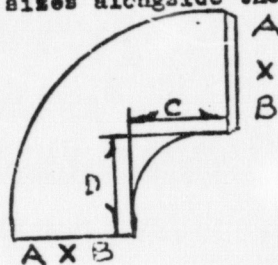
43. Enter these sizes alongside the proper letter on the right.

Cheeks 12"

Wrapper 18"

back of
slip 16"

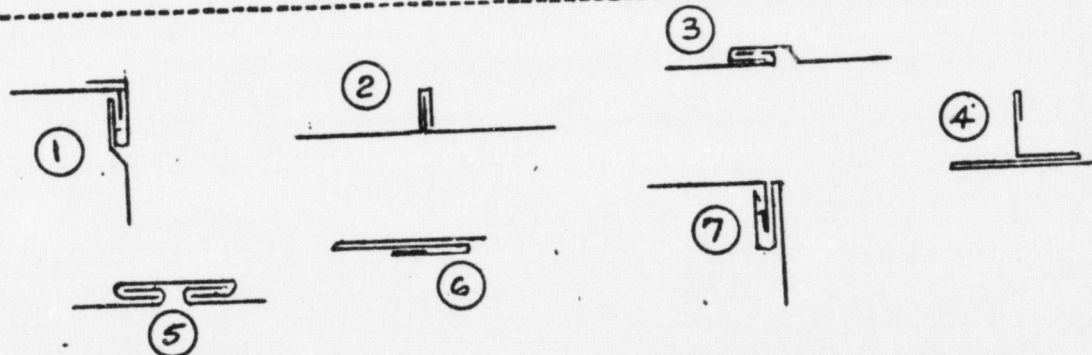
throat on
raw end 18"



A 12
B 18
C 16
D 18

44. What is the maximum throat radius that may be used on the elbow shown? 16"

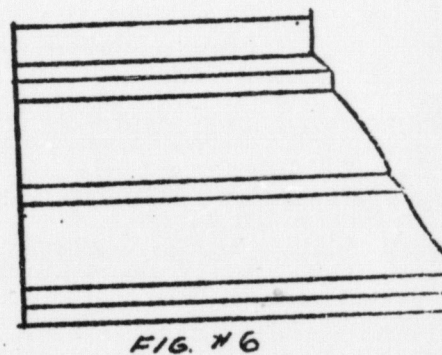
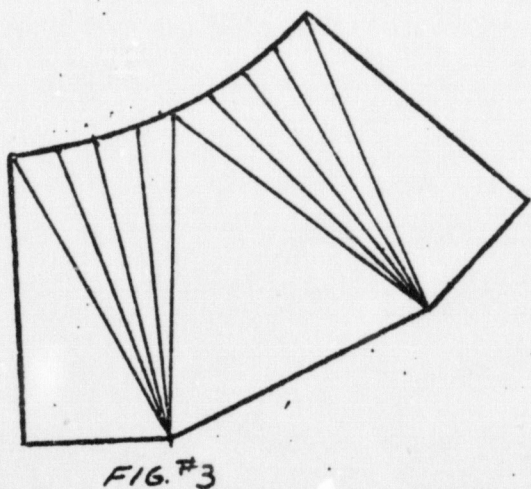
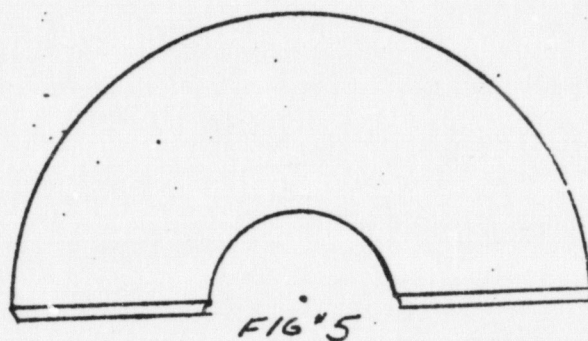
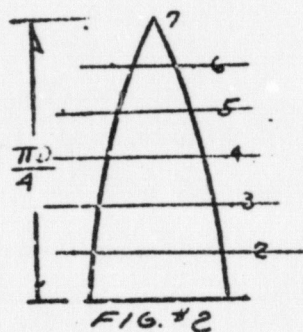
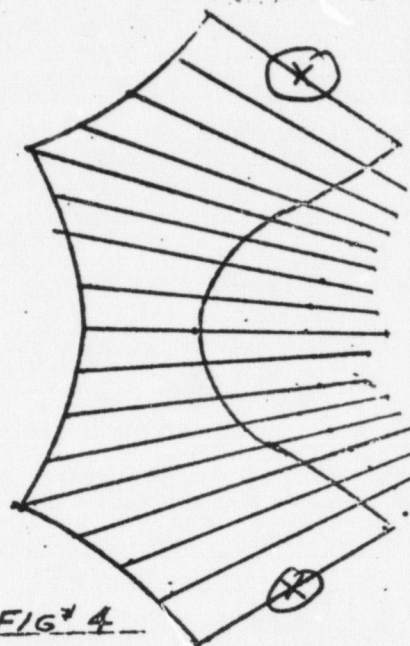
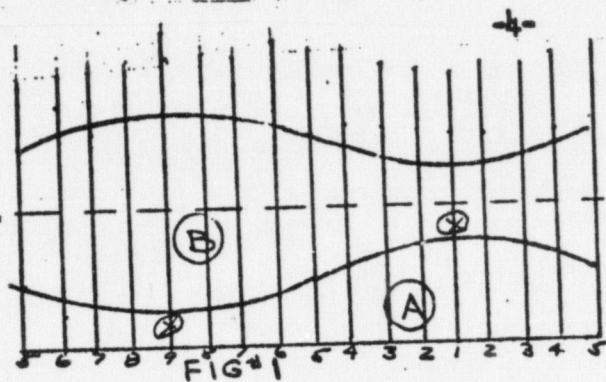
45. What would the maximum heel radius be on the same piece? 20"



46. Bar Slip 4
47. Standing Seam 2
48. Pittsburgh Seam 1
49. S-Slip 6

Place the number of the seam
or connection next to its
proper title.

50. Balancing of air quantities is accomplished by adjusting the DAMPERS
SPLITTERS
OUTLETS
in the system ductwork.



These six figures represent pattern development of the following.

- | | |
|---------------------------|----------|
| 51. Square to round | <u>3</u> |
| 52. Round pipe "Y" branch | <u>4</u> |
| 53. Funnel | <u>5</u> |
| 54. Square return cornice | <u>6</u> |
| 55. Round elbow | <u>1</u> |
| 56. BALL | <u>2</u> |

-5-

56. The following questions refer to the patterns shown on the previous page.
57. With an X indicate the match lines on patterns A & B on fig. 1.
58. Figure 3 shows a $1/4$ pattern, $1/2$ pattern, $3/4$ pattern, full pattern.
(CIRCLE YOUR CHOICE)
59. Figure 4 shows a $1/4$ pattern, $1/2$ pattern, $3/4$ pattern, full pattern.
60. Figure 5 shows a $1/4$ pattern, $1/2$ pattern, $3/4$ pattern, full pattern.
61. With an X indicate where longitudinal seam occurs on fig. # 4.

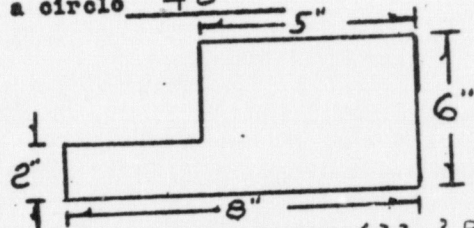
SHEET METAL WORK

62. What is the perimeter of a duct measuring $7\frac{3}{4}"$ by $8\frac{1}{4}"$ $32"$

63. The scale $3"$ to the foot is the same as the ratio of 1 to 4

64. How many degrees are there in $1/9$ th of a circle 40°

65. What is the area in square inches of the piece of sheet metal shown on the right: 36 sq in

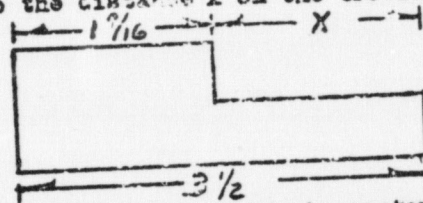


66. The product of 14.035 and 8.72 to three decimal places equals 122.385

67. How many pieces of angle iron $3\frac{7}{16}"$ long can be saw cut from a $30"$ length? (the saw blade is $1/16"$ thick) 8

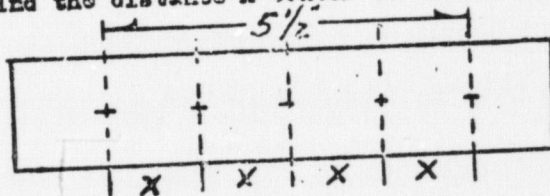
68. Multiply 1.1 by $.11$ $.121$

69. Compute the distance X on the drawing below



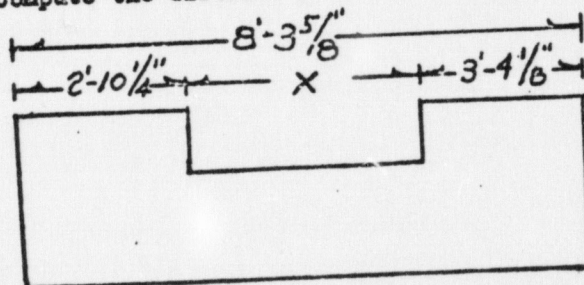
X $2\frac{1}{16}$

70. Find the distance X center to center of the holes on the drawing below.



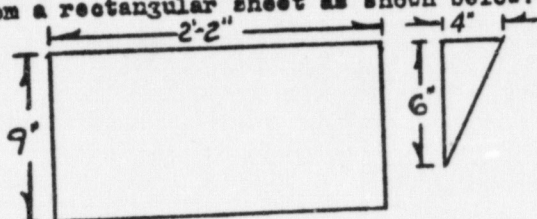
X 1.375 or $1\frac{3}{8}$

71. Compute the distance X on the drawing below.



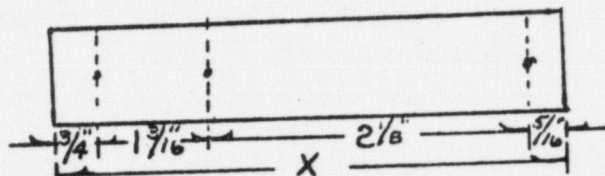
X $2' - 1\frac{1}{8}$ or $25\frac{1}{8}"$

72. What is the maximum number of triangular pieces which can be cut from a rectangular sheet as shown below?



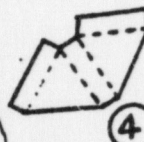
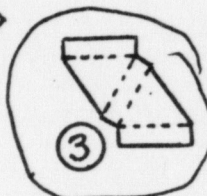
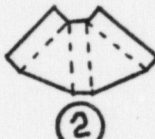
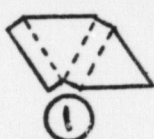
ans. 16

73. Compute the length X of the metal plate shown below.



X 4 3/8

74. Which of the flat sheet metal patterns can be bent along the dotted lines to form the completely closed triangular box? (circle your choice)



75. What is the stretch-out of a 12" diameter pipe, allowing 3/4" for seam.
From $38 \frac{7}{8} - 38 \frac{7}{16} = K$ $38 \frac{7}{16}$

Read the following and encircle one of the words "true" or "false" which is correct for its respective statement.

76. Acoustic lining is wrapped on the outside of the ductwork after installation is complete. TRUE FALSE FALSE
77. Copper should be isolated from direct contact with galv. iron to avoid corrosive action of dissimilar metals. TRUE FALSE FALSE
78. A rivet set would be useful in installation of "pop rivets". TRUE FALSE FALSE
79. S-slips would normally be used to join ducts 48" by 48" and over. TRUE FALSE FALSE
80. Bulldog shears are good for cutting 3/16" angle iron. TRUE FALSE FALSE
81. When soldering vertical seams, a soldering iron should be "timed" on one side only. TRUE FALSE FALSE
82. A 1/2" lapped seam of galvanized steel can be "sweat-soldered" without pre-tinning the laps of the seam. TRUE FALSE FALSE
83. A convenient flux for soldering copper seams is made by "cutting" muriatic acid with lead chips. TRUE FALSE FALSE
84. A "bar-folder" is used to bend flat bar, or angle iron. TRUE FALSE FALSE
85. A "turning machine" is convenient for turning over heavy duct fittings during shop assembly. TRUE FALSE FALSE

86. A "groove" seam is used when flush transverse connections are specified for 10 gage ducts. TRUE FALSE
87. A "drive slip" is used to force difficult joint connections of round ducts into position. TRUE FALSE
88. "Safing" is installed to blank off air passages around cooling or heating coils. TRUE FALSE
89. Concrete nails or expansion shields are used to hang ducts from bar joists. TRUE FALSE
90. The use of standard rolling scaffolding would speed installation of ductwork in a hung ceiling. TRUE FALSE
91. A rectangular duct offset with equal dimensions on each end has "wrappers" of equal length. TRUE FALSE
92. Drain pans for condensation are installed under motors of most cold air systems. TRUE FALSE
93. Segments of 5 piece 90 degree elbows and 3 piece 45 degree elbows have miter lines of equivalent rise. TRUE FALSE
94. "Pittsburg" seams are formed on "wrappers" after the metal is shaped to the fitting contour. TRUE FALSE
95. Twenty gage black iron is twice as heavy as ten gage black iron. TRUE FALSE
96. Carbon arc welded seams have much greater strength than those welded by direct electric rods. TRUE FALSE
97. For identical black iron seams, greater amperage is required to weld 16 gage than to weld 10 gage. TRUE FALSE
98. Welding galvanized steel is a greater health hazard than welding black iron. TRUE FALSE
99. Helic welding methods are often used for welding aluminum and stainless steel. TRUE FALSE
100. Electric welding is often used to join seams of heavy copper. TRUE FALSE

Ex. 108

1315

MANPOWER REQUISITIONS FOR PERIOD
OCTOBER 28, 1968
THROUGH
APRIL 21, 1969

<u>WEEK BEGINNING</u>	<u>REQUESTS</u>	<u>ASSIGNED</u>
10/28/68	89	32
11/4/68	161	27
11/11/68	101	25
11/18/68	133	23
11/25/68	204	14 permit men 21 journeymen
12/2/68	71	13
12/9/68	120	20
12/16/68	136	"
12/23/68	111	"
12/30/68	79	"
1/6/69	87	41
1/13/69	65	"
1/20/69	31	14
1/27/69	54	"
2/3/69	106	20
2/10/69	45	"
2/17/69	27	"
2/24/69	85	"
3/3/69	71	21

<u>WEEK BEGINNING</u>	<u>REQUESTS</u>	<u>ASSIGNED</u>
3/10/69	55	11
3/17/69	55	-
3/24/69	149	14
3/31/69	60	3
4/7/69	133	3
4/14/69	51	-
4/21/69	223	16

Note:

1. Numbers in the assigned column represent those who were sent out to work. It in no way indicates whether the man actually showed up on the job. In many instances the men assigned never appeared for work.
2. These figures do not reflect the number of permits for leaving the jobs for various reasons, such as returning to their home territories, etc.
3. The figures in the request column only represents the formal written requisitions received but do not necessarily reflect the actual manpower requirements since many contractors felt it was futile to continue sending in requests which were not met.

ONLY COPY AVAILABLE

SHEET METAL CONTRACTORS ASSOCIATION OF NEW YORK CITY, INC.

JULY 30, 1970

1317

SUMMARY OF MEMBERS' EXPENDITURES

1969

<u>WEEK OF</u>	<u>TOTAL</u>
August 18	315
" 25	319
September 1	267
" 8	126
" 15	142
" 22	104
" 29	135
October 6	90
" 13	184
" 20	208
" 27	233
November 3	276
" 10	256
" 17	196
" 24	144
December 1	219
" 8	120
" 15	111
" 22	59

1970

1318

WEEK OFTOTAL

January 5

31

" 12

10

" 19

26

" 26

20

February 2

14

" 9

32

" 16

9

" 23

2

March 2

20

" 9

21

" 16

41

" 23

23

" 30

5

April 6

25

" 13

5

" 20

18

" 27

9

May 4

6

" 11

19

" 18

15

" 25

17

1319

1970

WEEK OFTOTAL

June 1

34

" 8

34

" 15

70

" 22

146

" 29

297

July 6

297

" 13

328

" 20

330

" 27

378

SUMMARY OF REQUESTS

JUNE 1, 1970 - NOVEMBER 9, 1970

<u>WEEK OF</u>	<u>TOTAL</u>
JUNE 1	34
" 8	34
" 15	70
" 22	146
" 29	297
JULY 6	297
" 13	328
" 20	334
" 27	378
AUGUST 3	371
" 10	368
" 17	441
" 24	405
" 31	426
SEPT. 8	207
" 14	147
" 21	89
" 28	60
OCT. 5	5
" 12	90
" 19	35
" 26	76
NOV. 2	29
" 9	30

SHEET METAL CONTRACTORS ASSOCIATION OF NEW YORK CITY, INC.

SUMMARY OF MANPOWER REQUESTS

WEEK OF:

MARCH 22, 1971	<u>232</u>
MARCH 29, 1971	<u>169</u>
APRIL 5, 1971	<u>173</u>
APRIL 12, 1971	<u>198</u>
APRIL 19, 1971	<u>274</u>
APRIL 26, 1971	<u>334</u>
MAY 3, 1971	<u>283</u>
MAY 10, 1971	<u>250</u>
MAY 17, 1971	<u>259</u>
MAY 24, 1971	<u>218</u>
JUNE 1, 1971	<u>199</u>

SHEET METAL CONTRACTORS ASSOCIATION
MANPOWER WORK SHEET
MANPOWER MEETING - JUNE 29, 1971

<u>Company</u>	<u>Requests</u>				<u>Men Assigned</u>	
	<u>6/7</u>	<u>6/14</u>	<u>6/21</u>	<u>6/28</u>	<u>6/1-6/15</u>	<u>6/16-6/29</u>
A-B-T	30		30		13	
Alpine	45	20			10	1
Atlas	0	2	2		1	
Brandt	4	6	12	10	2	3
Brook	20	30	15	9	8	11
Columbia	8					
Eastern			2	2		
Federal	20	20	20	20	2	2
General	18	8	8	10	3	1
H & K	2	2	2	2	2	
Lipka	10		8			1
Howard Martin		2			2	2
National	65	50	40	32	25	22
Supreme	5		5			
Triangle	39	30	20		24	7
Tuttle	2	2	2		2	
Universal	36	26	26	32	24	29
Wolkow	4	2	4	4		
Rice	<u>1</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>—</u>	<u>—</u>
	309	202	198	109 123	118	79

1323

Companies Assigned Men
No Written Request on File

	<u>6/1-6/15</u>	<u>6/16-6/29</u>
Air Balance		
Allcar		
Alliance		
American Metal	1	
Arrow	1	2
Bryant	1	
Fenton		
Industrial Acoustics	2	
Jacobson	1	5
Lambert	4	
Lupton	2	
Munder	3	7
Progress	1	
Scully		
Sobel & Kraus	3	1
Three Boro		
Vamco	1	2
Wolf & Munier	<u>4</u>	
	24	
ALKAR		1
Scully		6 (caep.)
FENTON		1
THREE - BORO		2
AIR BALANCE		1
ALLIANCE ENCLOSURE		2
HELMAR		2
		<u>31</u>

1324

SHEET METAL CONTRACTORS ASSOCIATION
MANPOWER WORK SHEET
MANPOWER MEETING - JULY 15, 1971

Company	Requests				Men Assigned	
	6/21	6/28	7/6	7/12	6/1-6/29	6/30-7/15
A-B-T	30				13	2
Alpine					11	
Atlas	2		3		1	3
Arrow			4			
Brandt	12	10			5	10
Brook	15	9	26	54	19	27
Eastern	2	2	2			2
Federal	20	20	20	20	4	8
Flannery				6		2
General	8	10	12	17	4	15
H & K	2	2	8	2	2	3
Lipka	8				1	
Howard Martin					4	
National	40	32			47	7
Rice	2	2	8	8		4
Suna			5	5		
Supreme	5			5		3
Triangle	20		20	20	31	2
Tuttle	2	2			2	1
Universal	26	32	36	35	53	32
Wolkow	<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>—</u>	<u>—</u>
	198	123	150	176	97	121

1325

Companies Assigned Men
No Written Request on File

	<u>6/1-6/29</u>	<u>6/30-7/15</u>
Air Balance	1	2
Alkar	1	
Alliance Enclosure	2	
American Metal	1	
Arrow	3	
Bryant	1	
Fentron	1	1
Helmar	2	
Industrial Acoustics	2	
Jacobson	6	11
Lambert	4	1
Lupton	2	
Munder	10	6
Progress	1	
Scully	6	
Sobel & Kraus	4	2
Three-Boro	2	
Vamco	3	2
Wolf & Munier	<u>4</u>	1
	55	
UNITED		2
MELLON CEILING		2
CRAFTSMAN		3
Morse Boger		2
N.Y.		3
Hugh Richards		1
Barway Scugel		2
Mareway		<u>2</u>
		43

1326

SHEET METAL CONTRACTORS ASSOCIATION
MANPOWER WORK SHEET
MANPOWER MEETING - AUGUST 4, 1971

Company	Requests				Men Assigned
	7/12	7/19	7/26	8/2	7/16 - 8/4
Atlas				10	4
Brandt		4	4	4	8
Brook	54	38	10	10	24
Federal	20	20			
Flannery	6				1
General	17	15			6
H & K	2	6	6		6
Lipka		7	11	9	1
Rice	8	8	3		7
Suna	5			5	3
Supreme	5	5			
Triangle	20	20	35	40	11
Tuttle		2			1
Universal	35	6	6	7	14
Wolkow	4	4	4	4	3
New York		4			2
	176	139	79	89	2391

7 LOWERS
 8 HOWARD MARTIN
 2 ARROW
 4 COLLIER
 10 NEBAL
 125 4 K
 5 JACOBSON
 3 BLICKMAN
 4 WEISS COILING
 9 MUNDERT
 6 LAMBERT
 11 ROMAR
 1 ALPINE
 15 SCULLY

Most
 Companies Assigned Men
 No Request Filed

10
 1
 2
 1
 3
 7
 2
 1
 2
 3/40

Alpine

SUMMARY OF MANPOWER NUMBERS REQUESTED FOR THE
PERIOD AUGUST 1971 - DECEMBER 1972

<u>Week End</u>	<u>Men</u>	<u>Week End</u>	<u>Men</u>
8/2/71	89	9/11/72	39
8/9	144	9/18	20
8/16	155	9/25	20
8/23	159	10/2	5
8/30	116	10/9	16
9/7	153	10/23	6
9/13	112	10/30	2
9/20	133	11/6	2
9/27	163	11/13	2
10/4	194	11/20	2
10/11	142	11/27	-0-
10/18	144	12/4	-0-
10/25	132	12/11	-0-
11/1	138	12/18	-0-
11/8	90	12/25	-0-
11/15	156		
11/22	132		
11/29	93		
12/6	127		
12/13	88		
12/20	74		
12/27	48		
1/3/72	43		
1/10	50		
1/17	29		
Sporadic reports - procedure dis- continued			
5/12/72	164		
6/12/72	43		
6/19	39		
6/26	13		
7/3	14		

Exhibit 122, Survey List of Nonwhites with
Sheet Metal Experience

122

1328

NAME	ADDRESS	PHONE	YEARS
Larry Bethen	30 Avenue D. (Man.) Apt. 5F	473-4304	2 in H.S.
Raymond Bryant	309 E. 180th St. (Bronx)	365-2907	2½ years
Donald Jackson	202-26 46th Rd. (Queens)	634-0724	8 years
Joseph Peck	47 W. 89th St. (Man.)	799-5689	6 months
Angel Matos	28 W. 91th St. (Man.)	724-3784	2 years
Williard Parson	509 Fulton Pl. (N. Babylon) (best hours 3-5)	516 643-8691	4 years
Francisco Garcia	330 51th St. (Bklyn.) (after 6:00pm)	492-5835	16 years
Harry Stroman	1311 Prospect Pl. (Bklyn.)	773-4671	8 years
Johnny Hill	6343 Osten St. (Rego Park)	275-8496	6 years
Nemesio Vazquez	43 St. John Pl. (Bklyn) C/O Lebron	857-8254	25 years
Jose Rodriguez	581 W. Academy St. (Man.) Apt. 4B	567-4290	14 years
Theodore Brooks	168-17 118th Rd. (Jamaica) (home days)	723-1698	3½ years
Irving McLean	17 Grant St. (Hempstead)	516 869-1829	5 years
Carl Nixon	1770 Story Ave. (Bronx)	842-6406	1 years
Vidal Sigueroa	142 Johnson Ave. (Bklyn)	384-6505	16 years
Garfield Goring	810 Soundview Ave. (Bronx)	887-3794	18 years
Sunny Shivers	1543 Park Pl. (Bklyn)	756-6719	12 years
Rafeal Bichardo	3250 93rd St. (Queens)	636-4852	9 years
Cain White	114-05 170th St. (Jamaica)	NONE	3 years

SHEET METAL (2)

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<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>YEARS</u>
Dell Cromer	817 Eastern Pkwy. (Bklyn.)	778-1245	5½ years
Frank Johnson	786 E. 35th St. (Bklyn)	859-8845	NONE
Miguel Alvarez	15 Marcy Pl. (Bronx)	293-1548	23 years
Arthur Myers	1251 Grant Ave. (Bronx)	992-5065	4 years
Oswaldo Torres	1735 Madison Ave. (Man.) Apt. 5G	722-3627	3 years
Rodney Dozer	207 W. 110th St. (after 6)	850-5030	3 years
Mike Muñoz	251 Powers St. (Bklyn.)	495-5918	11 years
Leslie Henriques	665 Penn. Ave. (Bklyn.)	272-0441	4 years
Debbah Moses	220 Osgood Ave. (Staten Island)	447-0892	2½ years
Lace McKinney	53 Winnikee Ave. (Poughkeepsie)	914 485-8046	4 years
Henry A. Ward	716 Fifth Ave. (Mt. Vernon)	914 699-3839	6 years
Carmelo Z. Riveria	190 Nagie Ave. (Man.)	569-2316	10 years
James Mathis	1260 Loring Ave. (Bklyn.) (after 6:30)	235-7813	15 years
Ricardo Vanegas	650 Manhattan Ave. (Bklyn.)	389-8182	14 years
Charles Moss	1426 Lincoln Pl. (Bklyn.)	467-1850	15 years
Melvin Sherrieff	357 E. 143rd. St. (Bronx)	292-6805	1 year
Steven Smith	295 Throop Ave (Bklyn.)	292-6805	1 year
Elrin Riveria	903 E 181th. St. (Bronx)	365-9831)	19 years

SHEET METAL (3)

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>YEARS</u>
Kenneth Viera	50-31 Newtown Rd. (Woodside, Queens)	274-1393	6 years
Spencer Byrd	453 Powell St. (Bklyn.)	495-2362	1 year
Charles Kirk	372 Blake Ave. (Bklyn.) C/O Mattie Nobles	385-2897	4 years
Joseph Lowery	148-08 111 Ave. (Queens)	322-3661	1½ years
Daryl Gary	8925 Parsons Blvd. (Queens)	ROOM 610	12 years
Charles Graham	898 Bryant Ave. (Bronx)	842-1653	4 years
Richard D. Ford	102 Cumberland Walk (Bklyn.) Apt. 4H	NONE	6 years
Hepolito Obcejero	12-11 33 Ave. (Astoria) Apt. 7 (contact him in Spanish)	NONE	10 years
Willie McQueen	38 Wintrop St. (Bklyn.)	856-4567	9 years
Darrel Brown	412 Pulaski St. (Bklyn.)	455-3837	1½ years
Lorenzo Blakett	790 Concourse Vill. West (Bronx)	665-2986	1½ years
Antone Fountainw	212 Crown St. (Bklyn.)	778-7673	16 years
Gary Cargill	837 Longfellow Ave. (Bronx)	842-7137	1½ years
Walter Garrett	185 Columbia Ave. Irvington, N.J.	201 399-9436	4 years
Harry Thomas	414 Sutter Ave (Bklyn.)	385-1044	20 years
Hollis Love	147-20 109 Ave. (Jamaica)	297-1149	10 years

SHEET METAL (4)

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>YEARS</u>
James Gilpress	208 Monitor St. (Westbury)	997-6983	11 years
James Holmes	27-29 W. 129th St. (Man.)	722-8467	16 years
Jesus Noynelo	4035 W. New York 63rd St. (Man.) (contact him in Spanish)	NONE	
Charles Bryant	1407 Shakespeare Ave. (Bronx)	293-2299	4 years
Sammy Shivers	1427 Maurice Ave. (Bronx)	293-3217	10 years